

Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

CANON

YX21

-821

438

STATUTES

OF THE

PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

THIRTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE SECOND SESSION OF THE SECOND PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE EIGHTH DAY OF JANUARY, IN THE YEAR OF OUR
LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

1873



212043
9:5:27

HIS EXCELLENCY
THE HONOURABLE WILLIAM PEARCE HOWLAND, C.B.,
LIEUTENANT GOVERNOR.

Toronto:

PRINTED BY JOHN NOTMAN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI 1873.

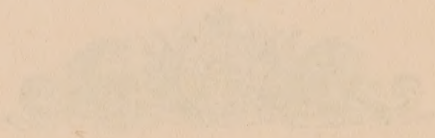


THE QUEEN'S MOST EXCELLENT MAJESTY

QUEEN VICTORIA

BY THE QUEEN'S MOST EXCELLENT MAJESTY

THE QUEEN'S MOST EXCELLENT MAJESTY



JOHN NOTMAN,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

THE QUEEN'S MOST EXCELLENT MAJESTY

THE QUEEN'S MOST EXCELLENT MAJESTY



ANNO TRICESIMO-SEXTO

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-three, and to provide for certain sums expended for the Public Service in the year one thousand eight hundred and seventy-two.

[Assented to 23th March, 1873.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Excellency Preamble.
the Honourable William Pearce Howland, C.B., Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in schedules "A" and "B" in this Act, are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes, for the year one thousand eight hundred and seventy-three, and to make good certain expenditures made in the year one thousand eight hundred and seventy-two: May it therefore please your Majesty, that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this \$2,986,938 91
Province there shall and may be paid and applied a sum (not exceeding in the whole) of two million nine hundred and eighty-six thousand nine hundred and thirty-eight dollars and ninety-one cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight

eight hundred and seventy-three, as set forth in schedule "A" to this Act.

\$80,074 93

2. The sum of eighty thousand and seventy-four dollars and ninety-three cents shall be charged to the Consolidated Revenue Fund of this Province, to make good payments and expenditures by the Treasurer on account of the Public Service, as set forth in schedule "B" to this Act.

Accounts in detail.

3. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting.

Appropriation, &c.

4. Any part of the money appropriated by this Act, which shall be unexpended on the thirty-first day of December of the year one thousand eight hundred and seventy-three, shall not be expended thereafter.

Expenditure, &c.

5. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

SCHEDULE "A."

Sums granted to Her Majesty by this Act for the year 1873, and the purposes for which they are granted.

To Salaries and Contingencies of the several Departments at Toronto :—

Government House.....	5,902 00	
Lieutenant-Governor's Office	2,500 00	
Executive Council and Attorney-General's Office	12,130 00	
Treasurer's Department.....	15,440 00	
Secretary and Registrar, and Registrar-General's Office	23,440 00	
Department of Public Works and Agriculture.....	26,942 00	
Crown Lands Department	50,130 00	
Miscellaneous	15,050 00	
Total Civil Government.....		151,534 00

LEGISLATION.

Total for Salaries, Contingencies and other expenses, as per details given in Estimates for 1873.....	117,550 00
---	------------

COLONIZATION ROADS.

Total for Construction and Repairs	146,300 00
--	------------

ADMINISTRATION OF JUSTICE.

Court of Chancery	21,660 00
Court of Queen's Bench	8,170 00

Court

Court of Common Pleas.....	\$5,110 00
Court of Error and Appeal	10,050 00
Criminal Justice	151,000 00
Miscellaneous Justice	38,600 00

Total Administration of Justice..... 234,590 00

PUBLIC BUILDINGS.

Capital Account.

Central Prison (re-vote in part)	238,224 78
London Lunatic Asylum	59,889 92
Deaf and Dumb Institute.....	14,850 00
Blind Institute.....	16,250 00
Toronto Lunatic Asylum.....	18,760 00
Reformatory, Penetanguishene	3,002 72
Agricultural College (re-vote)	93,712 58
Technological College	2,000 00
Model Schools	3,500 00
Court House and Gaol, Sault Ste. Marie	1,721 32
Lock-up, Bruce Mines	2,000 00
Do Nipissing District.....	1,500 00
Registry Offices, Parry Sound and Thunder Bay	1,500 00
Government House	2,500 00
Parliament and Departmental Buildings	6,000 00
Inebriate Asylum	100,000 00
Departmental Buildings	25,000 00
Normal School, Ottawa	96,000 00

Total, Public Buildings..... 687,411 32

PUBLIC WORKS.

Miscellaneous.

Washago and Gravenhurst road	\$1,400 00
Washago channel to wharf, dredging.....	1,000 00
Seugog navigation improvement.....	6,000 00
Balsam river works	931 38
Do new slide, apron and boom-pins.....	2,000 00
Pigeon creek improvement.....	1,849 35
Sydenham river improvement	981 24
do do	500 00
Portage du Fort bridge	5,000 00
Muskoka Falls, rock excavation, dam and sluices	9,000 00
Muskoka River, dredging	1,600 00
Lock between Mary's and Fairy lakes.....	20,000 00
Ryerson road works	1,822 04
Drainage works	44,279 41
Maintenance of lock and dams	4,000 00
Lock masters' and bridge tenders' salaries	1,200 00
Kaministiquia River, Thunder Bay	11,791 90
Otonabee River, cribs for booms at Young's lock.....	2,500 00
Trent River, bridge.....	2,000 00
Nottawasaga River Improvement	1,041 37

Settlers'

Settlers' Homestead Fund, unexpended re-vote, balance \$12,080 73	
Surveys, inspections, arbitration and charges not otherwise provided for	5,000 00

Total Public Works..... 135,977 42

ASYLUM MAINTENANCE.

Asylum for the Insane, Toronto	82,357 00
Do London, and Idiot Asylum, branch of same.....	72,002 00
Do Kingston	49,335 00
Institution for the Deaf and Dumb, Belleville	29,832 00
Institution for the Blind, Brantford.....	20,624 00
Provincial Reformatory, Penetanguishene	22,512 00

Total Asylum Maintenance..... 276,662 00

EDUCATION.

Public and Separate Schools.....	220,000 00
Inspection of Public and Separate Schools.....	27,315 00
Schools in New and Poor Townships.....	6,000 00
Collegiate Institutes and High Schools.....	82,000 00
Inspection of Collegiate Institutes and High Schools...	6,450 00
County Examination of Teachers.....	1,935 00
County Teacher's Institutes.....	2,800 00
Superannuated Teachers	19,608 00
Normal and Model Schools Salaries.....	16,810 00
do Contingencies and Repairs.....	8,655 00
Educational Museum Library	3,630 00
Journal of Education	2,940 00
Maps, Apparatus and Library books.....	50,000 00
Educational Depository, Salaries.....	5,295 00
do Contingencies	4,560 00
Education Office, Salaries.....	13,415 00
do Contingencies and Repairs.....	4,690 00
Council of Public Instruction Expenses.....	900 00

Total for Education 477,003 00

AGRICULTURE AND ARTS.

Electoral Division Societies, 73 at \$700.....	51,100 00
do 1 at 550.....	550 00
do 7 at 350.....	2,450 00
Fruit Grower's Association.....	500 00
Entomological Society	500 00
Agricultural Association.....	10,000 00
Mechanics' Institutes.....	20,000 00
For sundry services in connection with Agriculture and Arts—such as investigations of diseases in animals and crops, and of ravages of insects, and for agricultural instruction, dairy products, and other charges not otherwise provided for.....	2,000 00

Total for Agriculture and Arts

87,100 00
IMMIGRATION.

IMMIGRATION.

Agencies in Europe, including printing and expenses	\$43,000 00	
Agencies in Ontario and Quebec do	12,500 00	
Carriage of Immigrants in Canada.....	7,000 00	
Assistance (by bonus) to Immigrants.....	50,000 00	
Incidentals.....	1,000 00	
Re-vote for refund service of 1872.....	22,324 00	
To pay to Dominion Government for passage of Immigrants to Ontario.....	18,160 33	
Total for Immigration		153,984 33

HOSPITALS AND CHARITIES.

(Upon condition that each Institution shall furnish such information as may be required by the Provincial Secretary.)

General Hospital, Toronto	\$11,200 00	
House of Industry, do.	2,900 00	
Protestant Orphan's Home and Female Aid Society, Toronto	640 00	
Roman Catholic Orphan Asylum, Toronto	640 00	
Lying-in Hospital do.	480 00	
Magdalene Asylum do.	480 00	
House of Providence do.	1,000 00	
Girls' Home and Public Nursery do.	320 00	
Boys' Home do.	320 00	
Eye and Ear Infirmary do.	1,000 00	
Newsboys' Lodgings do.	240 00	
General Hospital, Kingston	4,800 00	
House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
Orphan's Home, Kingston.....	640 00	
Hotel-Dieu Hospital, Kingston	800 00	
General Hospital, London.....	2,400 00	
Roman Catholic Orphan Asylum, London.....	640 00	
City Hospital, Hamilton	4,800 00	
Roman Catholic Orphan Asylum, Hamilton ...	640 00	
Orphan Asylum & Ladies' Benevolent Society, Hamilton	640 00	
House of Refuge, Hamilton	720 00	
Protestant Hospital, Ottawa	1,200 00	
Roman Catholic Hospital, Ottawa.....	1,200 00	
St. Patrick's Orphan Asylum do	480 00	
Protestant Orphan Asylum do	480 00	
St. Joseph's Asylum do	480 00	
Magdalene Asylum do	480 00	
General Hospital, St. Catharines	1,000 00	
Total for Hospitals and Charities		43,020 00

LITERARY AND SCIENTIFIC INSTITUTIONS.

Aid to Canadian Institute, Toronto.....	750 00
“ to Institut Canadien, Ottawa.....	300 00

Aid

Aid to Athenæum, Ottawa	\$300 00	
“ to promote Scientific Research upon the Palæontology of Ontario	500 00	
	<hr/>	
Total, Literary and Scientific Institutions		1,850 00

SCHOOL OF PRACTICAL SCIENCE—MAINTENANCE.

Salaries	4,000 00	
Gas.....	300 00	
Fuel.....	500 00	
Water.....	200 00	
Ordinary repairs and incidentals.....	200 00	
Housekeeper.....	600 00	
	<hr/>	
Total School of Practical Science—Maintenance.....		5,800 00

UNFORSEEN AND UNPROVIDED,

To meet unforeseen and unprovided expenses	50,000 00
--	-----------

MUNICIPALITIES FUND.

Collection from sales of Clergy Reserves in 1872....	121,313 07	
Received from Dominion Government on account Municipalities.....	20,488 79	
Refund of overpaid amounts.....	58 00	
	<hr/>	
	141,859 86	
Less—20 per cent cost of management	\$24,262 61	
Overpaid estimate, 1871.....	2,389 43	
	<hr/>	
	26,652 04	
Total.....		115,207 82

LAND IMPROVEMENT FUND.

Moneys collected from the sale of Crown Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1872.....	49,734 85	
Less—4-5, leaving 1-5 to the Land Improvement Fund.....	39,787 88	
	<hr/>	
	9,946 97	
Less—6 per cent. for cost of collec- tion and management.....	596 81	
	<hr/>	
	9,350 16	
Moneys collected from the sale of Com- mon School Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1872	62,282 88	
Less—6 per cent. for collection and management.....	3,733 97	
	<hr/>	
	58,548 91	
To be distributed as follows, viz :—		
½ to the Land Improvement Fund.....	14,636 47	

$\frac{1}{4}$ to the Dominion Government, to be added to the Common School Fund.....		\$43,909 44
Moneys collected from the sale of Grammar School Lands, subject to the Land Improvement Fund, from the 30th June, 1871, to 30th June, 1872	7,033 83	
Less—6 per cent. for collection and management.....	422 02	
	<hr/> 6,611 81	
Less— $\frac{3}{4}$, leaving $\frac{1}{4}$ to the Land Improvement Fund.....	4,958 86	
	<hr/> 1,652 95	
		<hr/> 25,639 58
Total.....		<hr/> 69,549 02

CROWN LANDS EXPENDITURE.

Board of Surveyors.....	400 00
Agents' salaries, commissions and disbursements.....	25,000 00
Forest ranging and inspection of timber lands.....	18,000 00
Inspectors valuing lands (re-vote).....	6,000 00
Refunds	30,000 00
Surveys, as follows :—	
Township north of Bruce Mines.....	3,700 00
Do. west of McIntyre.....	5,000 00
Do. west of McTavish	5,000 00
Do. east do	4,900 00
Tier of lots on the Dawson road from McIntyre to Lake Shebandowan.....	8,000 00
1 township at Red Rock, Nepigon river	5,000 00
1 township at Pie river.....	5,000 00
1 township of Victoria, mouth of Spanish river.....	4,000 00
1 township near Lake Nipissing.....	4,000 00
1 township north of Chaffey.....	3,000 00
2 townships of Burns and Robinson.....	8,000 00
Balance to complete surveys now in progress :—	
McKenzie (re-vote).....	3,000 00
Carling and Ferguson (re-vote)	6,000 00
Sunnidale do	1,500 00
Browne do	3,100 00

MISCELLANEOUS.—*Special.*

Defining boundary between Provinces of Ontario and Quebec (re vote).....	9,000 00
Defining boundary on west and north between Province of Ontario and Dominion	10,000 00
Examination and report of the Hudson's Bay improvements at their various stations on Lakes Huron and Superior, within view to the adjustment of their claims	3,000 00
Survey of boundaries between timber limits and the Crown domain	7,500 00
Survey of limits on north Shore of Lake Huron, chargeable against holders.....	12,000 00
Exploration and mineralogical survey north of Lake Superior	4,600 00

Two per cent. of timber dues payable to municipalities, for timber cut on road allowance	5,000 00	
Exploration of land north of timber berths on Lake Huron, with a view of ascertaining the character of land and value of timber—such examination of posts and lines on Lake Huron track	3,000 00	
Total		\$202,100 00

MISCELLANEOUS.

To defray miscellaneous expenses, as follow :—

To cover expenses of collection of revenue for law stamps and licenses.....	\$2,500 00	
To cover expenses in connection with municipalities and other funds.....	500 00	
To provide for expenses attending the settlement of the Municipal Loan Fund debt and surplus schemes.....	10,000 00	
To provide for expenses <i>re Ontario and Quebec</i> arbitration.....	10,000 00	
To provide for expenses <i>re Northern and Western</i> boundaries.....	4,000 00	
Inspector of railways.....	500 00	
<i>Ontario Rifle Association</i>	600 00	
<i>Orillia Asylum</i> , caretaker.....	200 00	
Trustees for Mrs. <i>Baldwin</i> and family in full of claim of the late Col. <i>Baldwin</i> on former Province of <i>Upper Canada</i>	4,000 00	
Total		32,300 00
Total.....		\$2,986,938 91

SCHEDULE "B."

Sums granted to Her Majesty by this Act to make good certain Payments and Expenditures for the year 1872, and a statement of the purposes for which they were granted.

SERVICES OF 1872.

Balance to be provided for in 1873, to complete the service of 1872, over-expended, as per Statement No. 30 in the Public Accounts of 1872 :—

CIVIL GOVERNMENT.

Government House.....	1,020 34
Lieutenant-Governor's office—contingencies.....	17 79
Executive Council and Attorney-General's office.....	649 32
Treasury Department—contingencies and repairs.....	1,684 89
Do. Audit Branch—salaries.....	25 00
Secretary and Registrar's office—contingencies and repairs.....	748 60

Secretary

Secretary and Registrar-General's office.....	\$473 06	
Public Works Department—contingencies and repairs	454 89	
Crown Lands Departments—salaries.....	383 34	
Do. contingencies.....	15,198 90	
Inspector of Prisons office—salaries.....	99 99	
Do contingencies.....	56 25	
	<hr/>	20,812 37

LEGISLATION.

Sessional writers, &c.....	1,697 50	
Stationery, &c.....	116 90	
Printing, &c.....	2,282 59	
Controverted election trials.....	163 94	
Contingencies and repairs.....	2,577 99	
	<hr/>	6,838 92

ADMINISTRATION OF JUSTICE.

Court of Queen's Bench—contingencies.....	55 81
---	-------

PUBLIC WORKS AND BUILDINGS.

Deaf and Dumb Institution.....	397 75	
School of Industrial Science.....	1,907 46	
Normal and Model Schools.....	165 96	
Registry Offices, Parry Sound and Thunder Bay.....	2,102 46	
	<hr/>	\$4,573 63

ASYLUM MAINTENANCE.

London Lunatic Asylum.....	67 26	
Institution for the Blind, Brantford.....	888 94	
	<hr/>	956 20
Reformatory—maintenance.....		2,114 58

EDUCATION.

Normal School—contingencies.....	2,884 69	
Libraries, apparatus and prizes.....	4,946 08	
	<hr/>	7,830 77
Municipalities Fund.....		3,672 69

MISCELLANEOUS.

Unprovided.....	14,672 24
-----------------	-----------

CROWN LANDS EXPENDITURE.

Salaries of agents, &c.	8,459 58	
Refunds.....	2,965 82	
	<hr/>	11,425 40

The following unpaid accounts to complete the service of 1872.

DETAILS.

DETAILS.

Civil Government.

Government House—maintenance.....	\$314 75	
Executive Council and Attorney-General's office.....	112 00	
East Wing—maintenance and repairs.....	951 49	
West do do	586 32	
	<hr/>	1,964 56

Legislation.

Repairs, &c.....	2,257 08
------------------	----------

Administration of Justice.

Osgoode Hall—repairs, &c.....	1,273 54
-------------------------------	----------

Public Works and Buildings.

College of Technology.....	308 15	
Registry Office and Lock-up, Thunder Bay.....	1,021 92	
	<hr/>	1,330 07

Education.

Normal and Model Schools—repairs and contingencies.	233 86
---	--------

College of Technology, Maintenance.

Repairs, &c.....	63 21
	<hr/>
	\$80,074 93

CAP. II.

An Act to amend the law respecting elections of Members of the Legislative Assembly and respecting the trial of such Elections.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

34 Vic. c. 3, s. 2, repealed so far as regards "corrupt practices" and "corrupt practice." Those terms defined.

1. So much of the third section of The Controverted Elections Act of 1871, as defines "Corrupt Practices," or "Corrupt Practice," is hereby repealed, and the following is enacted in lieu thereof: "Corrupt Practices," or "Corrupt Practice," shall mean bribery, treating and undue influence, or any of such offences, as defined by this or any Act of Legislature, or recognized by the common law of the Parliament of England; also any violation of the forty-sixth, sixty-first, or seventy-first section of The Election Law of 1868; and any violation of the sixty-sixth

sixth section of such last mentioned Act during the hours appointed for polling.

2. Section sixty-one of the said Act is hereby repealed, and the following is enacted in lieu thereof:—

32 V., c. 21,
s. 61, repealed.

“(61.) No candidate for the representation of any electoral division shall, nor shall any other person, either provide or furnish drink or other entertainment at the expense of such candidate or other person, to any meeting of electors assembled for the purpose of promoting such election, previous to or during such election, or pay or promise or engage to pay for any such drink or other entertainment, except only that nothing herein contained shall extend to any entertainment furnished to any such meeting of electors by or at the expense of any person or persons at his, her or their usual place of residence.”

Furnishing
entertainment
forbidden, ex-
cept at resi-
dence of him
furnishing.

3. Section sixty-nine of the Election Law of 1868, and section forty-six of the Controverted Elections Act of 1871, are hereby repealed, and the following is enacted in lieu thereof:—

32 V., c. 21,
s. 69,
34 V., c. 8,
s. 46, repealed.

“46. (1.) When it is found upon the report of a judge upon an election petition that any corrupt practice has been committed by any candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void.”

Election of
candidate on
corrupt prac-
tices void,

“(2.) When it is found by the report of a judge upon an election petition that any corrupt practice has been committed, by or with the actual knowledge or consent of any candidate at an election, in addition to his election, if he has been elected, being void, he shall, during the eight years next after the date of his being so found guilty, be incapable of being elected to, and of sitting in the Legislative Assembly, and of being registered as a voter and of voting at any election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor, in Ontario, or any municipal office.”

and candidate
guilty thereof
incapacitated
for eight years
from being
elected, etc.

4. The following clause is to be added to the oath or affirmation required by law, to be taken by the assessor, in verification of his assessment roll, “And I further certify and swear (or affirm as the case may be) that I have not entered the name of any person at too low a rate, in order to deprive such person of a vote, or at too high a rate in order to give such person a vote, or for any other reason whatever.”

Addition to
oath of
assessor.

5. No person who, by the second section of the Election Law of 1868, is disqualified and incompetent to vote, shall act as agent for any candidate at any election; and any person violating this enactment shall be subject to the same penalty as if he had voted at the said election.

Certain per-
sons disquali-
fied from act-
ing as agents.
Penalty.

Addition to
oath of voter.

6. The following clause is to be added to the oath or affirmation which a person offering to vote may be required to take under the forty-first section of the said Act: "And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election."

EXPENSES OF ELECTIONS.

Payments,
etc., by or on
behalf of can-
didates, before,
during, or after
election, ex-
cept through
named agents,
forbidden.

7. No payment (except in respect of the personal expenses of a candidate), and no advance, loan, or deposit, for the purposes of the election, shall be made by or on behalf of any candidate at an election, before, or during, or after such election, otherwise than through an agent or agents whose name and address, or names and addresses, has or have been declared in writing to the returning officer on or before the day of nomination; or through an agent or agents to be appointed in his or their place as herein provided; and no person shall make any such payment, advance, loan, or deposit, for the purposes of the election, otherwise than through such agent or agents under penalty of being deemed guilty of a misdemeanor.

Penalty.

Returning officer
to publish
names and
addresses of
agents.

8. It shall be the duty of the returning officer to announce from the hustings on the day of nomination, and at the expense of the candidate to publish, on or before the day of nomination, the name and address or the names and addresses of the agent or agents appointed in pursuance of the preceding section; such publication to be in some newspaper, if such there be, published or circulated within the electoral division where the election is to take place.

On death or in-
capacity of an
agent, appoint-
ment of an
other.

9. In the event of the death or legal incapacity of any agent appointed in pursuance of the preceding section, the candidate shall forthwith appoint another agent in his place, by giving notice to the returning officer of the name and address of the person so appointed, which shall in like manner be forthwith published by the returning officer at the expense of the candidate.

Claims on
candidate
in respect of
any election,
when to be
sent in to
agent.

10. All persons who have any bills, charges, or claims upon any candidate for or in respect of any election, shall send in such bills, charges, or claims, within one month from the day of the declaration of the election, to such agent or agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims and every or any part thereof: Provided always, that in case of the death within the said month of any person claiming the amount of such bill, charge or claim, the legal representative of such person shall send in such bill, charge, or claim, within one month after obtaining probate, or letters of administration, as the case may be; or the right to recover such claim shall be barred as aforesaid: Provided also, that such bills, charges, and claims, shall and may be sent in

Proviso.

Proviso.

and

and delivered to the candidate, if, and so long as, during the said month, there shall, owing to death or legal incapacity, be no such agent: Provided that the agent shall not pay or allow any bill, charge or claim without the authority of the candidate, as well as the approval of the agent. Proviso.

11. A detailed statement of all election expenses incurred by or on behalf of any candidate, including such excepted payments as aforesaid, shall, within two months after the election (or in cases where by reason of the death of the creditor, no bill has been sent in within such period of two months, then within one month after such bill has been sent in), be made out and signed by the agent, or, if there be more than one, by every agent who has paid the same (including the candidate in case of payments made by him), and delivered, with the bills and vouchers relative thereto to the returning officer; and the returning officer for the time being shall at the expense of the candidate, within fourteen days, insert or cause to be inserted an abstract of such statement, with the signature of the agent thereto, in some newspaper published or circulating in the electoral division where the election was held: and any agent or candidate who makes default in delivering to the returning officer, the statement required by this section shall incur a penalty not exceeding twenty-five dollars for every day during which he so makes default; and no agent or candidate shall wilfully furnish to the said returning officer an untrue statement under penalty of being deemed guilty of a misdemeanor. A detailed statement of election expenses, etc., to be signed and sent by agents to returning officers, who shall publish same.

12. The said returning officer shall preserve all such bills, and vouchers, and shall during six months after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents. Returning officer to preserve bills, &c., and allow inspection.

PRELIMINARY EXAMINATION OF PARTIES, ETC., AND PRODUCTION OF DOCUMENTS.

13. Any party to an election petition, whether petitioner or respondent, may at any time after such petition is at issue, be examined by or before an examiner, in the manner hereinafter directed, by a party adverse in point of interest, touching any matter raised by such petition; and any party so examined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief; and when one of several petitioners or respondents has been so examined, any other petitioner or respondent, united in interest, may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party examined; Provided that such explanatory examination must be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the court or a judge. When and how parties to petitions may be examined.

Proviso.

Candidates for
a seat may be
examined.

14. Where any petition has been filed claiming the seat for a candidate, such candidate, although not a party to the petition, may be orally examined as if he were a petitioner.

How examina-
tion of parties
shall be had.

15. Any party to be examined orally, under the provisions of this Act, shall be so examined by or before a county court judge, or before a registrar appointed under the Controverted Elections Act of 1871, or before any barrister-at-law named for the purpose by the judges on the rota, or such of them as may have been selected and appointed for the trial; and such examination shall take place in the presence of the parties, their counsel, agents or attorneys; and the party so examined orally shall be subject to cross-examination and re-examination; and such examination, cross-examination and re-examination shall be conducted as nearly as may be in the mode now in use in courts of Common Law on a trial at *nisi prius*, or in Chancery at the hearing of a cause.

Depositions,
how made.

6. The depositions taken upon any such oral examination as aforesaid, shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative; and when completed shall be read over to the witness, and signed by him, in the presence of the parties, or of such of them as may think fit to attend: Provided always that, in case the witness shall refuse or be unable to sign the said depositions, then the examiner shall sign the same; and such examiner may, upon every examination, state any special matter to the court if he shall think fit: Provided also that it shall be in the discretion of the examiner to put down any particular question or answer, if there should appear to be any special reason for so doing; and any question or questions which may be objected to shall, at the request of either party, be noticed or referred to by the examiner in or upon the depositions; and he shall state his opinion thereon to the counsel, agents, attorneys, or parties; and if requested by either party he shall refer to such statement on the face of the depositions.

Proviso.

Proviso.

Depositions,
transmission
to the court,
and copies of.

17. When the examination before the examiner shall have been concluded, the original depositions, authenticated by the signature of such examiner, shall be transmitted by him to the office of the court to be there filed; and any party to the petition may have a copy thereof, or of any part or portion thereof, upon payment for the same in such manner as shall be prescribed by the court in that behalf.

Compelling at-
tendance of
witnesses.

18. The attendance of a party or other person for oral examination or cross-examination before the examiner, may be required by a writ of *subpœna ad testificandum* or *duces tecum*, in like manner as such party or person would be required to attend at the trial of the petition, and any party or person, upon being served with such writ, shall be bound to attend before the examiner: but such party or person shall be entitled to the

the like payment for attendance and expenses, as if he had been subpoenaed to attend upon the trial:

19. The sheriff, gaoler, or other officer, having the custody of any prisoner, may take such prisoner for examination before the examiner, under the authority of this Act, if so ordered by the court or a judge.

Attendance of witnesses being prisoners.

20. Forty-eight hours notice of any such oral examination or cross-examination shall be given to the opposite party or parties.

Forty-eight hours' notice of examination.

21. Any party or person refusing or neglecting to attend at the time and place appointed for his examination or cross-examination, or refusing to be sworn or to answer any lawful question put to him by the examiner, or by any party entitled so to do, or his counsel, agent or attorney, may be punished as for a contempt of court: Provided always, that if any witness shall demur or object to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto, shall be taken down by the examiner, and transmitted by him to the office of the court to be there filed; and the validity of such demurrer or objection shall be decided by the court or a judge; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court or judge.

Penalty for non-attendance or refusal to answer of witness.

Demurrer to questions

22. Any party to a petition shall be entitled to use, upon the trial of such petition, depositions taken by or before the examiner, in accordance with the provisions of this Act: Provided that where such party uses any portion of a deposition so taken, it shall be competent for the party against whom it is used to put in the entire evidence so taken, as well that in chief as that in explanation.

Depositions may be used on trial.

23. Any party to an election petition, whether petitioner or respondent may, at any time after such petition is at issue, obtain a rule, requiring the adverse party to produce within ten days after the service thereof, under oath, all documents in his custody or power relating to the matters in question, saving all just exceptions; and to deposit the said documents with the Clerk of the Crown in the Court of Queen's Bench; and upon such documents being produced, the party requiring such production and his agent or attorney may inspect the same and take examined copies thereof: Provided that when any person upon whom a rule to produce has been served wishes to avail himself of any such exception as above mentioned, he must on his affidavit on production assign a sufficient reason why he should not produce and deposit the same in manner aforesaid.

Production, inspection, and copies of documents.

Proviso.

24. The rule referred to in the preceding section shall be a rule

Rule to produce, how obtained.

rule in the nature of a side bar rule, and shall issue in vacation as in term, and may be obtained on the last as well as other days of term; and such rule shall be dated the day of the week, month and year on which the same was drawn up, and need not specify any other time or date; and such rule may be obtained by the party requiring the same, his agent or attorney, from the Clerk of the Crown and Pleas in the Court of Queen's Bench.

Service of rule.

25. The rule for the production of documents shall not require personal service, and it shall be sufficient to serve the same upon the agent or attorney of the party.

Affidavit on production.

26. The affidavit on production to be made by the party who has been served with the rule for production, may be in the form or to the effect set forth in the Schedule to this Act.

Penalty for disobeying rule.

27. Any party neglecting or refusing to obey a rule for the production of documents may be punished as for a contempt.

SCRUTINY.

On scrutiny, judge may appoint day and place.

28. Where, in consequence of an election petition being presented, it becomes necessary to enter into a scrutiny of the votes polled at the election brought in question by such petition, the judge may make provision for holding in every local municipality in the electoral division, the election for which is questioned, a scrutiny of the votes polled in such municipality, in case of there being any votes therein which are objected to; and for this purpose may by order appoint a day and place within the municipality, or each of the municipalities respectively, as the case may be, for entering into the scrutiny, which day or days shall be a convenient time before the day on which the trial by the judge is to be held, as provided by the fourteenth and fifteenth sections of The Controverted Elections Act of 1871.

Notice of time and place of scrutiny.

29. Notice of the time and place for entering into the scrutiny shall be given not less than fourteen days before the day appointed for entering into the same in the prescribed manner.

Scrutiny before the judge, or his delegate.

30. The scrutiny may be before the judge, or the judge may appoint his registrar, or some other person, being a barrister and competent for the purpose, to act in his stead.

Jurisdiction and powers of the judge when the scrutiny is before him in person.

31. Where the scrutiny is entered into before the judge in person the provisions of law as to the jurisdiction of the judge upon the trial of an election petition in the ordinary manner, shall apply, as nearly as may be, to the proceedings upon such scrutiny, and the said judge shall possess the like powers and authority as to all matters arising upon such scrutiny, as are possessed by him upon a trial in the ordinary manner.

32. Where the scrutiny is before a registrar or other person appointed by the judge, such registrar or person shall, except as hereinafter provided, have the same powers and authority for the time being in all matters connected with the scrutiny and for conducting the same, as the judge himself would have if personally present and acting.

Powers of judge's delegate on scrutiny before him.

33. It shall be the duty of any registrar or other person acting under an appointment made in pursuance of the preceding section, to take down in writing the evidence given before him upon the scrutiny.

Delegate of judge to take evidence in writing.

34. At or before the conclusion of the scrutiny in each municipality, the registrar, or other person so acting as aforesaid, shall either decide the questions of law and fact raised before him, or shall reserve the same, or any of them, for the decision of the judge at the trial; and shall make a note in writing of every such decision or reservation, as the case may be, for the information of the judge; and shall publicly announce such decision or reservation for the information of the public and the parties interested.

Delegate may decide or reserve questions of law or fact.

Note and announcement of decision to be made.

35. If any party be dissatisfied with any decision of the registrar, or other person so acting as aforesaid, he may object thereto before the judge at the trial to be had as aforesaid: Provided, that within seven days from the conclusion of the scrutiny, he gives notice in the manner hereinafter mentioned to the opposite party of his intention to so object, and the judge may, in his discretion, refuse at the trial before him to consider any points not raised before the registrar, or other person so acting as aforesaid, for his decision; and in case the judge does consider the same, and allow the appeal on a ground not distinctly taken before the registrar, or other person so acting as aforesaid, the judge may order the appellant, though successful, to pay the costs of and incidental to the appeal.

Appeal from decision of delegate.

36. The party intending to object shall within eight days deliver in person, or by his attorney or agent, to the registrar a written notice of his intention to object; and he shall also in person, or by his attorney or agent, serve a like notice upon the opposite party, his attorney or agent, within eight days from the conclusion of the scrutiny.

Notice of appeal, time for.

37. The notice shall mention the grounds of objection, and may be in the form following or to the like effect:—

Notice of appeal, form of.

Court for the Trial of an Election Petition for the

Between { A. B., *Petitioner*,
and
Y. Z., *Respondent*.

Take notice that the Petitioner, A. B., (or as the case may be), intends to appeal to the Honourable the Judge of

of the said Court, against the decision of Mr. _____, the Registrar of the said Court, (*or as the case may be*), as to the vote of C. D., of the _____ of _____, who appears in the Petitioner's (*or as the case may be*) particulars as No. _____ in the _____ schedule, on the following grounds:—

(*State shortly ground or grounds of appeal.*)

Dated the _____ day of _____ A. D. 18 ____.

To _____ A. B., *Petitioner.*
 Registrar,
 or to Y. Z., _____ or E. F.,
 Respondent, _____ *Agent for Petitioner.*
 or W. X., _____
 Agent for Respondent.

COSTS.

Costs.

38. Except where otherwise provided, the costs of any oral examination or cross-examination, or of the production of documents, in pursuance of this Act, shall, subject to the discretion of the court or a judge, be deemed costs in the cause.

MISCELLANEOUS.

Power to punish for contempt, and enforce rules.

39. In any case arising under this Act or under the Controverted Elections Act of 1871, any judge for the time being on the rota for the trial of election petitions, or any judge of the Court of Queen's Bench, shall, for the purpose of enforcing obedience to any rule, or for punishing any contempt whatever, have the same power of granting a writ of attachment, to be issued from the Court of Queen's Bench in term or vacation, as the court has in term time to enforce obedience to any rule or for punishing any contempt whatever.

Execution may issue to enforce judge's order for costs.

40. It shall not be necessary, in any proceedings upon an election petition, to make a judge's order for the payment of costs a rule of the Court of Queen's Bench, but writs of execution may be issued from the said court, in pursuance of the said order, in the same manner, and shall have the same force and effect as if the same had been issued in pursuance of a rule of court.

24 V., c. 8, s. 57, repealed.

41. Section fifty-seven of The Controverted Elections Act of 1871 is hereby repealed, and the following is enacted in lieu thereof:—

Who may practise as agent, attorney, or counsel.

57. Any person who, according to the law for the time being, is entitled to practise as an attorney or solicitor in Ontario, may practise as an agent or attorney, and any person who, by the law for the time being, is entitled to practise as a barrister-at-law in Ontario, may practise as counsel in cases of election

election petitions and all matters relating to elections before the court or a judge.

42. This Act may be cited for all purposes as "The Election short title Act of 1873."

SCHEDULE.

(Section 26.)

(Form of Affidavit on production of Books and Papers.)

In the Queen's Bench.

Election for	holden on the	day of	A.D.	. Form of affidavit on production
I,	of	make oath and say :—		

1. That I have in my possession or power the documents relating to the matters in question set forth in the first and second parts of the first schedule hereto annexed.

2. I object to produce the said documents set forth in the second part of the said first schedule.

3. (*State upon what grounds objection is made and verify the facts as far as may be.*)

4. I have had, but have not now in my possession or power the documents relating to the matters in question set forth in the second schedule hereto annexed.

5. The last mentioned documents were last in my possession or power on (*state when*).

6. *State what has become of the last mentioned documents, and in whose possession they now are.*

7. According to the best of my knowledge, remembrance information and belief, I have not now, and never had in my own possession, custody or power, or in the possession, custody or power of my agents or attorneys, agent or attorney, or in the possession, custody or power of any other person on my behalf, any deed, account, book of accounts, minutes, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document or other document whatever, relating to the matters in question, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the first and second schedule hereto annexed.

Sworn &c.

CAP. III.

An Act respecting the appointment of Queen's Counsel.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS in the course of the administration of justice matters between the Crown and the subject are brought, some in Her Majesty's name and some in the name of the Attorney-General for Ontario, before Her Majesty's Courts in Ontario by the direction and under the control and management of the Provincial Government; And whereas the Lieutenant-Governor of right ought to have the power to appoint from among the members of the Bar of Ontario, provincial officers who may assist in the conduct of such matters on behalf of the Crown, under the name of Her Majesty's Counsel learned in the law, for the said Province; And whereas doubts have been cast on the power of the Lieutenant-Governor to make such appointments; and it is expedient to remove such doubts:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment
of Queen's
Counsel.

1. It was and is lawful for the Lieutenant-Governor by letters patent, under the great seal of the Province of Ontario, to appoint from among the members of the Bar of Ontario, such persons as he may deem right to be, during pleasure, provincial officers under the names of Her Majesty's Counsel learned in the law for the Province of Ontario.

CAP. IV.

An Act to regulate the precedence of the Bar of Ontario.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the regulation of the Bar of Ontario is vested in the Provincial Legislature, and it is expedient for the orderly conduct of business before the Provincial Courts that provision be made for the order of precedence of the members of the said Bar in the said Courts:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Order of pre-
cedence at the
Bar.

1. The following members of the Bar of this Province shall have precedence in the said Courts in the following order:

- I. The Attorney-General of the Dominion for the time being;
- II.

II. The Attorney-General of the Province for the time being;

III. The members of the said Bar, who shall have filled the offices of Attorney-General of the late Province of Canada, or Attorney-General of the Dominion of Canada, or Attorney-General of this Province according to seniority of appointment as such Attorney-General.

IV. The members of the said bar who have filled the office of Solicitor-General of Upper Canada according to seniority of appointment as such Solicitor-General; and

V. The members of the Bar, who were before the first day of July, in the year of Our Lord one thousand eight hundred and sixty-seven, appointed Her Majesty's Counsel for Upper Canada, so long as they are such counsel, according to seniority of appointment as such counsel.

2. It is lawful for the Lieutenant-Governor by letters patent under the great seal of Ontario to grant to any member of the Bar, a patent of precedence in the said Courts. Patents of precedence.

3. Members of the Bar from time to time appointed after the first day of July, in the year of Our Lord one thousand eight hundred and sixty-seven, to be Her Majesty's Counsel for the Province, and members of the Bar to whom, from time to time, patents of precedence are granted, shall severally have such precedence in the said Courts, as may be assigned to them by letters patent which may be issued by the Lieutenant-Governor under the great seal. Precedence between Queen's Counsel and members holding patents of precedence.

4. The remaining members of the Bar, shall as between themselves have precedence in the Courts, in the order of their call to the bar. Precedence of other members of the Bar.

5. Nothing in this Act contained shall in any wise affect or alter any rights of precedence which may appertain to any member of the Bar, when acting as counsel for Her Majesty, or for any Attorney-General of Her Majesty, in any matter depending in the name of Her Majesty or of the Attorney-General before the said Courts, but such right and precedence shall remain as if this Act had not passed. Crown counsel.

CAP. V.

An Act respecting Commissioners for taking affidavits.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts follows:—

1.

Judges may appoint commissioners for taking affidavits in territories, &c.

1. The judges of the various superior courts in Ontario shall have the like power for the appointment of Commissioners for taking affidavits and affirmations in any temporary judicial district, provisional judicial district, territorial district, or in any other territory not being part of any such district, or of any county in the Province of Ontario, as they have under the Act intituled "An Act respecting the appointment of Commissioners to take Affidavits and Bail," being chapter thirty-nine of the Consolidated Statutes for Upper Canada, for the appointment of such Commissioners in the several counties within Ontario; and the Commissioners so appointed shall have the like powers as are possessed by Commissioners appointed under the said Act.

Commissions heretofore issued to be valid.

2. Every commission heretofore issued by the judges of any of the said courts for any such district, and all proceedings thereunder shall be deemed as valid as if this Act had been passed previous to the issue of such commission; but nothing herein contained shall be construed to make good any indictment for perjury, or any other criminal charge or proceeding in respect of any affidavit or affirmation heretofore made.

Commissioner and Assistant Commissioner of Crown Lands may issue commissions.

3. The Commissioner or the Assistant Commissioner of Crown Lands may authorize by a commission, under the hand and seal of such Commissioner or Assistant Commissioner, any person who is employed in the service of the Crown Lands Department, to take affidavits and affirmations in any part of Ontario, in respect of any matter or enquiry having reference to any business of the said department, or of any matter or enquiry in respect of which the said department is interested, or which affects the revenue of Ontario.

Duration of such commissions.

4. The authority granted by virtue of any commission under the preceding section, may be in such commission limited to a certain period of time, or may be expressed to be while the Commissioner receiving authority under the said commission remains in the service of the said department; but the same shall in any event determine upon the said Commissioner ceasing to be employed in such service.

Oath of office of local master or deputy registrar, before whom to be sworn, &c.

5. The oath of office of a Local Master or Deputy Registrar in chancery, may be taken before any Commissioner authorized to administer affidavits in the court of chancery, and shall be certified by the Commissioner and filed with the Registrar at Toronto.

CAP. VI.

An Act respecting Official Securities, and the registration of instruments creating obligations to the Crown.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. In case any person who has been appointed to any civil office or employment, or commission in any public department or of public trust, has given the security, and made the affidavit of justification required to be made under the provisions of section three of the Act respecting the security to be given by officers of Ontario, passed in the thirty-second year of Her Majesty's reign, and chaptered twenty-nine, but who, on account of loss of property, or of additional security being required, or for some other cause, has subsequently to his appointment become unable to make an affidavit of justification in accordance with the provisions of the said section, the said Act shall not be construed as rendering necessary the dismissal of such person from such office or employment, but such person may be required to furnish such additional sureties or security as the Lieutenant-Governor or the principal officer or person in the office or department in which the person required to give security is employed, may, in consequence of such inability, consider requisite.

Certain public officers need not be dismissed for want of ability to justify as to security, but further security may be given.

2. In case any Sheriff or Registrar under the like circumstances as are in the preceding section set forth, become unable to make the respective affidavits of justification required of a Sheriff by section ten of the Act passed by the Parliament of the late Province of Canada in the session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, and chaptered twenty-eight, respecting the office of Sheriff, and of a Registrar by sections nine and ten of "The Registration of Titles (Ontario) Act," the said last mentioned Acts shall not be construed as rendering necessary the dismissal of such Sheriff or Registrar from his office, but he shall, under pain of forfeiture of his said office, be required to furnish such additional security as the Lieutenant-Governor in Council may in consequence of such inability, consider requisite.

Sheriffs and registrars.

3. Section nine of the said "The Registration of Titles (Ontario) Act" is hereby repealed, and the following substituted in lieu thereof :—

31 V., c. 20, s. 9 amended as to security.

9. Before any Registrar is sworn into office, such Registrar

Recognizances by Registrars.

trar shall enter into a recognizance in a penal sum to be fixed at not less than four thousand dollars, nor more than ten thousand dollars, with two or more sufficient sureties, (the aggregate obligation of whom shall not be less than such penal sum); the said recognizance shall be in writing under the hands of the said Registrar and such sureties and shall be approved of by the Lieutenant-Governor in Council; and the same shall be taken by any two Justices of the Peace for the County in which the office to which he is appointed is situate; and shall be conditional for the true and faithful performance by the said Registrar or his deputy of his duty in the execution of all things directed and required of him by this Act; and such Registrar shall also execute and enter into a joint and several covenant in duplicate with other sureties, which duplicate covenant may be in the form appended to this Act, marked "A," or to the like effect; to which recognizance and to each of which covenants shall be attached an affidavit in the form appended to this Act marked "B" or to the like effect, made by each of the obligors and covenantors therein mentioned; and such recognizance, and one of such duplicate covenants with the affidavits appended shall be forthwith transmitted to the Provincial Secretary, to be by him retained, and the other duplicate covenant, with the affidavits aforesaid, shall be by such Registrar forthwith filed in the office of the Clerk of the Peace for the said County or Union of Counties where the same shall remain of record.

Security of
companies au-
thorized to
guarantee may
be accepted.

4. The Lieutenant-Governor in Council may by Order in Council direct that whenever any public officer of Ontario is required to give security for the due performance of the trust reposed in him, and for his duly accounting for all public moneys intrusted to him or placed under his control, or for the due fulfilment in any way of his duty, or of any obligation undertaken towards the Crown, the bond or policy of guarantee of any incorporated or joint stock company, empowered to grant guarantees, bonds, or policies for the integrity and faithful accounting of public officers or other like purposes, named by such order in Council, may be accepted as such security upon such terms as shall be determined by the Lieutenant-Governor in Council.

Crown liens
by registry of
bonds, &c., in
Q.B. abolished
as to Ontario,

5. From and after the first day of January next, any lands bound by the registration in the office of the Clerk of the Court of Queen's Bench in Toronto, of any deed, bond, contract, or other instrument whereby any debt, obligation, or duty is incurred or created to Her Majesty, in respect of any matter within the jurisdiction of the Government of Ontario, shall be released from the charge created by such registration, so far as the same is within the authority of the Government of Ontario.

except where
proceedings

6. Nothing in the last section contained shall be construed to

to affect the obligations of the parties to any such deed, bond, contract, or other instrument, to Her Majesty, or to each other, or to release any charge which may have been, or which may previous to the said first day of January be obtained against any such lands by virtue of any writ or other proceeding.

CAP. VII.

An Act further to amend the Act intituled "An Act respecting the Court of Error and Appeal."

[Assented to 29th March, 1873.]

WHEREAS it is expedient further to amend chapter thirteen of the Consolidated Statutes for Upper Canada;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section twenty-two of the said Statute shall be amended by adding after the words "special case," in the first and second lines thereof, the words "whether stated by the parties or by an arbitrator or arbitrators in a cause pending in Court." C. S. U. C., c. 13., s. 22, amended.

2. Section twenty-three of the said Statute shall be amended by adding, at the end thereof, the words "or has been in part refused, granted, discharged or made absolute." Sec. 23 amended.

CAP. VIII.

An Act for the better administration of Justice in the Courts of Ontario.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The courts of law and equity shall be, as far as possible, auxiliary to one another respectively, for the more speedy convenient and inexpensive administration of justice in every case. The courts to be auxiliary to each other.

2. Any person having a purely money demand may proceed for the recovery thereof by an action at law, although the plaintiff's right to recover may be an equitable one only, and A pure money demand may be sued for at law, though

no

the right be
equitable onl

no plea, demurrer or other objection on the ground that the plaintiff's proper remedy is in the Court of Chancery, shall be allowed in such action: but the court shall have the discretionary power hereinafter mentioned to transfer equity matters to the Court of Chancery when the ends of justice so require.

Pleading mat-
ters entitling
to relief on
equitable
grounds.

3. Any party to an action at law may, by plea or any subsequent pleading, set up facts which entitle him to relief upon equitable grounds, although such facts may not entitle such party to an absolute, perpetual and unconditional injunction in a court of equity, and although the opposite party may be entitled to some substantive relief as against the party setting up such facts: and such plea or other subsequent pleading shall begin with a statement that it is on equitable grounds.

In ejectments
defence on
equitable
grounds,

4. Any defendant in an action of ejectment, or any other person not named in the writ, who has obtained leave to appear and defend, may, in addition to the notice denying the plaintiff's title, and asserting title in himself, state by way of defence any facts which entitle him on equitable grounds to retain possession; and such statement shall begin with the words "For a defence on equitable grounds."

to the whole or
part of the pro-
perty.

5. Such defence on equitable grounds may be set up as to the whole of the property mentioned in the writ, or may be limited to part thereof.

In ejectments,
plaintiff may
reply on equi-
table grounds,

6. When a defence on equitable grounds is set up under the two preceding sections, the plaintiff may, within the same time as he may now reply to a plea on equitable grounds in any other action, file a statement, setting up any facts which avoid such defence on equitable grounds: and such statement shall begin with the words "For a reply to the defendant's statement on equitable grounds."

or demur to the
whole or part.

7. The plaintiff, instead of filing a statement under the foregoing section, may demur to the statement of facts filed by the defendant, or he may file a statement in reply as to part, and demur as to other part.

The court or
judge may, in
any action,
make such
order or decree
as equity re-
quires.

8. For the purpose of carrying into effect the objects of this Act, and for causing complete and final justice to be done in all matters in question in any action at law, the court or a judge thereof, according to the circumstances of the case, may, at the trial or at any other stage of an action or other proceeding, pronounce such judgment, or make such order or decree as the equitable rights of the parties respectively require, and may make such rule or order as to adding third persons as parties to any proceeding, striking out parties, or treating parties named plaintiffs as defendants, or parties named defendants as plaintiffs, and as to costs, and may direct such enquiries to be made

made and accounts to be taken, as shall seem reasonable and just; and may as fully dispose of the rights and matters in question as a court of equity could do.

9. In case it appear to a Court of Common Law or a judge thereof, that any equitable question raised in any action or other proceeding at law, cannot be dealt with by a court of law so as to do complete justice between the parties, or may for any other reason be more conveniently dealt with in Chancery, the court or judge may order the action or proceeding, to be transferred to the Court of Chancery; and such order of transference may be made by the court or judge *sua sponte*, or upon the application of either party on notice to the other parties interested.

Cases may be transferred to the Court of Chancery.

10. When an order is made under the foregoing section the proper officer of the Court of Common Law shall annex together all pleadings and papers filed with him, and transmit the same, together with the order of transference or a copy thereof, to such officer of the Court of Chancery as the order shall direct.

Proceedings on transfer to Chancery.

11. When, in the opinion of a Court of Common Law or a judge thereof, it is necessary or proper in any action to take accounts or make enquiries, which cannot so conveniently or properly be taken or made under the existing practice at law, or by the means now available for the said courts, as they might be in Chancery, the court or judge may order such accounts and enquiries to be taken and made by the master or any of the local masters of the Court of Chancery, instead of ordering a transference of the suit generally to the said Court of Chancery.

Accounts may be taken and enquiries made by a Master on an order.

12. When an order is made under the preceding section, the master to whom the reference is directed shall proceed therein, and all the orders of the Court of Chancery as to the powers of the master, and as to the proceedings in the master's office, shall apply thereto, as if the reference had been made by an order of the Court of Chancery.

Power of the Master on such order.

13. When the master has made his report, pursuant to such order, the same shall be filed with the officer of the court with whom the pleadings are filed; and the report shall, without an order confirming the same, become absolute at the expiration of fourteen days after the filing thereof, unless previously appealed from, but the court or a judge may, under special circumstances, allow an appeal after the fourteen days.

Master's report to be filed.

When it shall become absolute.

14. The appeal from a report referred to in the preceding section shall be to a judge in chambers or to the court in term, but when the appeal is taken to the court in term the notice of appeal shall be returnable not later than the fourth day of the term next after the filing of the report.

Appeal from report.

On transfer from a county court, and reference costs to be taxed on lower scale.

Equitable issues to be tried without a jury, except on order for a jury.

Certain actions of torts to be tried by a jury.

Other actions to be tried as heretofore. Order may be made for trial by a judge, notwithstanding a jury demanded.

Legal and equitable issues to be tried at same time.

Court may direct jury to give a special verdict, except for libel.

Judges of superior courts of law may sit alone, or with another, to dispose of such matters as may be directed by general rules of court.

15. When any action is transferred under section nine of this Act or a reference is directed under section eleven of this Act from a county court, the fees and disbursements shall be paid, and the attorney's costs taxed, according to the lower scale of fees in the Court of Chancery.

16. Where in any action equitable issues are raised by the pleadings or defence, they shall be heard and tried, and the assessment or enquiry of damages, if any, incidental thereto, shall be assessed and enquired of by the court or a judge without the intervention of a jury : Provided always, that it shall be competent for the court or judge, upon the application of either party, supported by sufficient reasons, to order such issues to be tried or damages assessed by a jury.

17. In actions of libel, slander, criminal conversation, seduction, malicious arrest, malicious prosecution, and false imprisonment, all questions which might heretofore have been tried by a jury, shall be tried by a jury, unless the parties in person or by their attorneys or counsel waive such trial.

18. All other issues shall be tried as heretofore, unless the court in which the action or proceeding is pending, or a judge thereof, upon application being made before trial, or unless the presiding judge upon the trial, directs or decides that the issue or issues shall be tried and damages assessed without the intervention of a jury.

19. When in any action or other proceeding at law both legal and equitable issues are raised, such issues shall be tried at the same time unless the court or a judge thereof, or the judge presiding at the trial shall otherwise direct.

20. Upon any trial by a jury, where the court or a presiding judge shall otherwise direct, it shall not be lawful for such jury to give a general verdict, and it shall be the duty of such jury to give a special verdict if the court or presiding judge shall so direct : but this section shall not apply to actions of libel.

21. The judges of each of the Superior Courts of Common Law may sit separately, or two may sit separately from the third, either in or out of term, and either at the same time or at different times, for the hearing and disposing of such matters and the transaction of such business as may from time to time in that behalf be directed by general or other rules or orders of the court : and the judgments, decrees, rules, and orders made by a single judge, or by two judges, in such case, shall have the force and effect of, and be deemed for all purposes to be the judgments, decrees, rules and orders of the court ; and the judgments, decrees, rules and orders of any judge, or of any two judges sitting separately as authorized by this Act, shall be deemed to be the judgments, decrees,

decrees, rules and orders of the court in which the action or other proceeding may be pending, although the judge or judges pronouncing or making the same may not be a judge or judges of such court; but such judgments, decrees, rules and orders shall be subject to appeal or rehearing before the full court, in term, or otherwise, in such cases as the court, by general orders or rules or otherwise, from time to time directs or appoints; and any judge, or any two judges so sitting separately shall have all the powers of the full court, subject to any general orders or rules in that behalf. But when any one or two of the judges before the passing of this Act could have sat as and for the full court, he or they may and shall under the like circumstances continue to do so notwithstanding this Act.

Appeal.

Prior power of one or two judges to sit alone to continue.

22. The proceedings before two of the judges, or any one of the judges sitting separately, as aforesaid, shall shew on their face in the motion paper, or in any judgment, decree, rule or order to be given or made, that the business was carried on by two, or by one only of the judges, as follows: "In [*styling the court*] Before Justice [*naming the Judge, or, if before two Judges* "Before and Justices," *naming them.*"]

Style of proceedings before one or two judges under last section.

23. In civil proceedings, where upon the trial of any action at *nisi prius*, or in the county court any question of fact or of law arises for the determination of the presiding judge, he may of his own motion or by consent of parties, reserve the giving of his final decision on the question so raised to a future day, and his decision whenever given shall be considered as if given at the time of the trial.

Decision of questions of fact or law may be reserved at trial

24. Any party to an action at law, whether plaintiff or defendant, may at any time after such action is at issue, obtain an order for the oral examination, upon oath, before a judge or any other person specially named by the court or a judge, of any party adverse in point of interest, or in case of a body corporate of any of the officers of such body corporate, touching the matters in question in the action; and any party or officer examined may be further examined on his own behalf, or on behalf of the body corporate of which he is an officer, in relation to any matter respecting which he has been examined in chief; and when one of several plaintiffs or defendants has been examined any other plaintiff or defendant united in interest may be examined in his own behalf or on behalf of those united with him in interest, to the same extent as the party examined: Provided that such explanatory examination must be proceeded with immediately after the examination in chief, and not at any future period except by leave of the court or a judge; and for the purposes of this section when the officer of a body corporate has been so examined as aforesaid on behalf of such body corporate, such body corporate shall be deemed to be fully represented by such officer.

Parties and others adverse in interest may be examined.

Examinations
how to be had.

25. Any party to be examined orally under the provisions of this Act shall be so examined before the judge or other person specially named in the order for examination; and shall, if so required by notice, produce on the examination all books, papers, and documents which he would be bound to produce at the trial on a *subpœna duces tecum*; and the party so examined orally shall be subject to cross-examination and re-examination; and such examination, cross-examination and re-examination shall be conducted as nearly as may be in the mode now in use in courts of common law on a trial at nisi prius, or in chancery at the hearing of a cause.

Depositions,
how to be
taken down.

26. The depositions taken upon any such oral examination as aforesaid shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative, expressed in the first person; and when completed shall be read over to the party examined, and shall be signed by him in the presence of the parties, or of such of them as may think fit to attend: Provided always, that, in case the party examined shall refuse or be unable to sign the said depositions, then the examiner shall sign the same; and such examiner may upon every examination state any special matter to the court if he shall think fit: Provided also, that it shall be in the discretion of the examiner to put down any particular question or answer, if there should appear to be any special reason for so doing, and any question or questions which may be objected to shall at the request of either party be noticed or referred to by the examiner in or upon the depositions; and he shall state his opinion thereon to the counsel, attorneys, agents, or parties, and if requested by either party he shall on the face of the depositions refer to such statement.

Depositions,
how to be
returned and
kept.

27. When the examination before the examiner shall have been concluded, the original depositions authenticated by the signature of such examiner shall be returned and kept in like manner as depositions are directed to be returned and kept by the one hundred and ninety-third section of the Common Law Procedure Act.

Habeas corpus
and testifican-
dum.

28. The sheriff, gaoler, or other officer having the custody of any prisoner shall take such prisoner for examination under the authority of this Act, by virtue of a rule of the court or an order of a judge, to be issued for that purpose; which rule or order may be issued by the court or judge under such circumstances as shall appear to warrant the production of such prisoner.

Order for exa-
mination, how
obtained.

29. The order for the examination of a party adverse in point of interest, or of the officer of a corporation, referred to in the twenty-fourth section of this Act, shall be granted as of course upon the production by the party purposing to examine, of an affidavit of such party, or of his attorney or agent, stat-
ing

ing that the deponent believes that the party purposing to examine, whether plaintiff or defendant, will derive material benefit in the action or other proceeding from such examination, that there is good cause of action (or of defence) upon the merits, and (if the application be made on the part of the defendant) that the examination is not sought for the purpose of delay.

30. Any party or person refusing or neglecting to attend at the time and place appointed for his examination, or refusing to be sworn or to answer any lawful question put to him by the examiner, or by any party entitled so to do, or his counsel, attorney or agent, shall be deemed guilty of a contempt of court, and proceedings may be forthwith had by attachment: Provided always, that if the party under examination shall demur or object to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto shall be taken down by the examiner and transmitted by him to the office of the court to be there filed; and the validity of such demurrer or objection shall be decided by the court or a judge; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court or judge.

Penalty on witness refusing to attend or answer, &c.

Demurrer to questions.

31. Where a suit is instituted, or where a petition is filed in the Court of Chancery for the purpose of establishing the title of the plaintiff to any real property, no objection to such suit or proceeding shall be allowed upon the ground that such plaintiff should first have sued at law, or would have an adequate and complete remedy at law by action of ejectment or otherwise; and if it shall appear upon the hearing or other determination of such suit or proceeding that the plaintiff or petitioner is entitled to the possession of such real property, he may obtain an order against the defendant or respondent for the delivery of such possession, and writs of execution shall issue accordingly.

No objections to proceedings in Chancery to establish title that plaintiff has remedy at law.

32. No objection shall be allowed on demurrer or upon the hearing of any cause in the Court of Chancery, upon the ground that the subject matter of the suit or other proceeding is exclusively or properly cognizable in a court of law: but in case at any stage of a cause in chancery it appear to the court or a judge thereof that the suit may for any reason be more conveniently, expeditiously, or inexpensively carried on or dealt with in a court of law, the Court of Chancery or a judge thereof may order the suit to be transferred to such one of the courts of common law as the said court or judge may think proper; and such order may be made by such court or judge *sua sponte*, or upon the application of either party to the court or judge on notice to the other parties interested, and may make any order as to costs, which the court or judge thinks reasonable.

No objection to a suit in Chancery that it should be brought at law; but the suit may be transferred to law.

Transmission
of papers, &c.,
on order to
transfer to law

33. When an order is made under the foregoing section the proper officer of the Court of Chancery shall annex together all the pleadings and papers filed with him, and transmit the same, together with the order of transference or a copy thereof, to such office of the court of common law as the order shall direct.

On a transfer
made to a
court of law or
equity, prac-
tice, powers,
etc.

34. When a transfer has been made under either the ninth section or the thirty-second section of this Act, the suit, action or other proceeding shall thereafter proceed in the court to which it has been transferred; and the judges of such court and the officers thereof shall have the same powers and perform the same duties in relation thereto, and the practice and orders of such court shall in all respects (or as nearly as may be) apply as if the suit had been originally instituted as an action, suit or proceeding in such court; but no further or other pleadings shall be necessary than the original pleadings in the court from which such suit, action or proceeding was transferred, unless specially ordered by the court or judge.

The court or a
judge may at
any instance
of judgment
creditor call
on the debtor
and his
grantee, &c.,
to shew cause
why lands
conveyed by
fraudulent
grant should
not be sold.

35. Where a judgment creditor or a person entitled to money under a rule, decree or order at law or in chancery, alleges that the debtor or person who is to pay, has made a conveyance of his lands which is void, as being made to delay, hinder or defraud creditors, or a creditor, it shall not be necessary to file any bill in equity for the purpose of setting aside such conveyance, but the court or a judge in chambers may, upon the application of the judgment creditor, call upon the judgment debtor or person who is to pay, and the persons to whom the conveyance has been made, or who have acquired any interest thereunder, to shew cause why the lands embraced therein, or a competent part thereof, should not be sold to realize the amount to be levied under the execution.

The court or a
judge may call
on a judgment
debtor, &c., to
show cause
why his equi-
table interests
should not be
sold to pay
execution.

36. Where any judgment creditor in an action at law or a person entitled under a rule, decree or order as aforesaid, alleges that the debtor or person to pay is entitled to or has an interest in any land which cannot at present be sold under legal process, but could be rendered available in equity for satisfaction of the debt, the court or a judge in chambers may, upon the application of the creditor, call upon the debtor or person who is to pay, and the trustee or other person having the legal estate in the land in question, to shew cause why the said land or the interest therein of the debtor or the person who is to pay, or a competent part of the said land, should not be sold to realize the amount to be levied under the execution.

Proceedings
after applica-
tion under the
two prior
sections.

37. Upon any application under either of the two preceding sections, such proceedings shall be had, either in a summary way or by the trial of an issue, or by inquiry before an officer of the court, or under the eleventh section of this Act, or by a bill in chancery, or otherwise, as the court or judge may deem necessary or convenient for the purpose of ascertaining the truth of
the

the matters in question, and whether the lands or the debtor's or other person's interest therein are in equity liable for the satisfaction of the execution; but if in a case in a county court there is a dispute as to material facts, and the value of the land or the debtor's or other person's interest therein appear to be over four hundred dollars, the court or judge shall direct the trial of an issue in one of the superior courts, and may name the county in which the trial is to take place, subject to any order that the superior court or a judge thereof may see fit to make in that behalf.

Cases in
county courts.

38. In county court cases the application under the thirty-fifth and thirty-sixth sections of this Act shall be made to the county court (or to a judge of a county court) of the county or union of counties in which the lands to which the application relates are situate, unless the said court or judge shall, upon the hearing of such application, deem it more convenient and more conducive to the ends of justice to order, and shall order, that the proceedings be had and taken in the court, or before a judge of the court, from which the execution issued; in which case the clerk of the county court of the county in which the land lies, shall transmit the papers filed with him, together with the order of transference, to the clerk of the county court from which the execution issued.

Application to
be made to the
judge of the
county in
which the
lands are
situate in
county court
cases.

39. Where in a summary way or upon the trial of any issue, or as the result of any enquiries under the four preceding sections, any land, or the interest of any debtor or other person therein, is found liable to be sold, an order shall be made by the court or judge declaring what land or what interest therein is liable to be sold; and such order shall be a sufficient warrant to the proper sheriff or other officer to proceed with the sale of the said land and interest.

If lands or
interest of
debtor found
liable to sale,
an order to be
made specifying
the same.

40. The sale and conveyance by the sheriff, in pursuance of such order, shall have the same effect as such sale and conveyance would heretofore have had if the land so sold or the party's interest therein had been saleable under ordinary legal process.

Sale by sheriff
under such
order to have
the same effect
as under legal
process.

41. In cases of proceedings for interpleader, by reason of any levy or seizure by a sheriff, and in case such sheriff have more than one writ at the suit or instance of different persons against the same property, it shall not be necessary for the sheriff to make a separate application on each writ, or in each cause; but he may make one application, and may make all the persons who are execution creditors parties to said application for an interpleader; and the court, or judge before whom the application is made, shall take such proceedings, and make such order thereon and therein, as if a separate application had been made upon and in respect of each writ.

In cases of
several execu-
tions, all may
be embraced
in one applica-
tion for inter-
pleader.

42. In case there are writs from several courts, including one

Cases of execu-
tions from

several courts,
to whom appli-
cation to be
made.

one or more of the superior courts or two or more county courts, against the same goods, and whether at the suit or instance of the same plaintiff, or of different plaintiffs, the application for such interpleader shall be made to the superior court, or to one of the superior courts, or to one of the judges thereof; and such court or judge shall dispose of the whole matter, as if all of the writs against the goods had been issued from the said court; and in such case the county court or division court shall have no cognizance of or jurisdiction whatever in the matter.

Orders as to
sale, &c., in
cases under
the two last
sections

43. In any such case as in the two preceding sections mentioned, the superior court, or judge thereof, shall make such order with respect to staying proceedings on the several writs, or with respect to directing a sale of the goods or property in question as may be necessary, and with respect to the final disposition or order to be made as to the goods or the proceeds thereof, and in all other matters whatsoever, as fully as if all the writs had been issued from the said court.

Appeals to the
courts of Error
and Appeal.

44. An appeal to the court of error and appeal shall lie against every judgment, decree, rule or order made by either of the superior courts of law, or the court of chancery, or by a judge of any one of the said courts, under the authority of this Act, in the same way, under the same conditions, to the same extent, and within the same time, as before the passing of this Act an appeal might have been had from a like judgment, decree or order of the said Court of Chancery, or a judge thereof, in a similar case; but there shall be no appeal to the Court of Error and Appeal from the judgment, decree, rule or order of a single judge under this Act, or under any law heretofore in force, until after, by a re-hearing or otherwise, the matter has been brought before the full court, and adjudicated upon by such court, in case that course be open to the appellant or intending appellant.

Execution in
detinue.

45. In all cases where specific goods, chattels, deeds, securities, or valuable papers, or other articles of the like kind, are demanded in detinue, and the plaintiff has judgment to recover the same or their value, the court or any judge thereof shall, at the request of the plaintiff, where a recovery or delivery of the property in specie, is desired, direct a writ of execution to issue on the judgment, commanding the defendant specifically to deliver up forthwith the property demanded, and, in case of refusal, that the defendant be arrested and detained in prison until he complies with the terms of the writ, and also that the goods and chattels of the defendant to double the value of the property in question be taken and kept until the further order of the court to insure or enforce obedience to the writ.

Issues and
assessments in
county courts

46. All issues of fact and assessments of damages in actions in any county court may be tried and assessed at the sittings of
of

of assize and nisi prius for any county other than that in which the venue is laid, upon an order being obtained for that purpose; and such order may be granted upon similar grounds to those upon which an order changing the place of trial would be granted in the superior courts of common law.

may be taken
at assizes for
any county on
an order made
therefor.

47. In case of there being a junior judge for the county, such junior judge may preside over all or any of the courts of the county, when the senior judge is not present, and shall, as regards any such courts, have the same duties, powers and authority as the senior judge.

Junior judge,
when to
preside.

48. No master, clerk or other taxing officer, shall tax or allow to any party suing for an equitable right at law, or for a legal right in equity, nor shall such party be entitled to recover by reason thereof, any more costs than would have been taxed, or allowed, or recoverable if the equitable right had been sued for in equity, or the legal right had been sued for at law; and the opposite party shall be entitled, without any order for that purpose, to set off against the costs of the party suing as aforesaid, the additional costs, if any, incurred by such opposite party, through the change of jurisdiction; but this section shall not apply where the judge otherwise orders.

Costs when a
legal right is
prosecuted in
equity or an
equitable at
law.

49. No proceeding either at law or in equity shall be defeated by any formal objection.

Formal objections
not permissible.

50. At any time during the progress of any action, suit, or other proceeding at law, or in equity, the court or a judge may, upon the application of any of the parties, and whether the necessity for the required amendment shall or shall not be occasioned by the defect, error, act, default, or neglect of the party applying to amend, or without any such application, make all such amendments as may seem necessary for advancement of justice, the prevention and redress of fraud, the determining of the rights and interests of the respective parties, and the real question in controversy between them, and best calculated to secure the giving of judgment according to the very right and justice of the case; and all such amendments shall be made upon such terms as to payment of costs and otherwise, as to the court or judge ordering the same to be made shall seem just.

Amendments.

Costs.

51. The judges of the Superior Courts of Common Law, or any four of them, of whom the chief justices shall be two, shall have the like power of making general rules or orders for the effectual execution of this Act, as are conferred upon them by the three hundred and thirty-third, three hundred and thirty-fourth, and three hundred and thirty-eighth sections of the Common Law Procedure Act with reference to matters contained in the said Act: and the judges of the Superior Courts of Common Law, or any three of them, of whom one of the chief justices shall be one, shall have the like power of making

Powers to the
judges to make
general rules
and orders.

making general rules or orders, with reference to matters contained in this Act, as are conferred upon them by the three hundred and thirty-ninth and three hundred and fortieth sections of the Common Law Procedure Act with reference to matters therein contained; provided that it shall not be necessary that any general rules or orders made under the powers conferred by this Act, or any general rules, orders, or regulations hereafter made under the powers conferred by the Common Law Procedure Act be transmitted to the Governor, in the manner directed by the three hundred and thirty fifth section of the last mentioned Act.

A fourth court of assize, &c., in the County of York to be held between Easter term and 1st July.

52. In addition to the Courts of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery, held in each year in the County of York, in accordance with the provisions of section three of the Act, passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered forty, there shall be a fourth Court of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery, held in each and every year, in and for the said County of York, in the part of the vacation following Easter term, between Easter term and the first day of July; and such additional Court of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery, shall be held with or without commission, as to the Lieutenant-Governor may seem best, and on such days as the chief justices and judges of the Superior Courts of Common Law shall respectively name; and all the provisions of law relating to jurors and juries, and other provisions of law, shall apply to such additional court in the same manner as to the Courts of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery heretofore held in the said County of York.

Trinity Term.

53. In the year one thousand eight hundred and seventy-four, and thenceforward, there shall be a term of the Superior Courts of Law, which shall be called Trinity Term, and shall begin on the first Monday in August after the twenty-first day of the said month, and shall end on Saturday of the following week.

In County of York, the courts of assize and nisi prius may be held distinct from courts of oyer and terminer and gaol delivery.

54. The sittings of the Courts of Assize and Nisi Prius in the County of York may, in the discretion of the said chief justices and judges of the Superior Courts of Common Law, be held separate and apart from the Courts of Oyer and Terminer and General Gaol Delivery in the said County, and either on the same or on a different day.

In County of Wentworth a third court of assize, &c., to be held be-

55. In the County of Wentworth, in addition to the Courts of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery heretofore held in each year in and for the said County of Wentworth, in accordance with the provisions

of the said Act, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, there shall be a third Court of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery, held in each and every year in and for the said County of Wentworth, in the vacation between Michaelmas term and Hilary term: and such additional Courts of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery shall be held with or without commission, as to the Lieutenant-Governor may seem best, and on such days as the chief justices and judges of the Superior Courts of Common Law shall respectively name; and all the provisions of law relating to jurors and juries, and other matters, shall apply to such additional court in the same manner as to the Courts of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery heretofore held in the said County of Wentworth.

56. When the judge of the county court, or the junior or deputy judge (as the case may be) officiating in the office of county court judge, is present, it shall not be necessary, in order to constitute a court or sittings of the general sessions of the peace, or a quorum at any sittings thereof, that any associate or other justice of the peace should be present at such court or sittings.

57. The judge of every county court, or the junior or deputy judge thereof, authorized to act as chairman of the general sessions of the peace for any county, is constituted a court of record for the trial, out of sessions and without a jury, of any persons committed to gaol on a charge of being guilty of any offence for which such person may be tried at a court of general sessions of the peace, and for which the person so committed consents to be tried out of sessions, and without a jury; and the court so constituted shall have the powers and duties which the Act passed in the session of the Parliament of Canada held in the thirty-second and thirty-third years of Her Majesty's reign, and chaptered thirty-five, purports to give, so far as the Legislature of this Province can give the same; and every judgment, proceeding, act, matter, or thing heretofore had or done under or by virtue of the said Act, shall be held to be as valid as if the said Act had been an Act of the Legislature of this Province.

58. The court constituted by the preceding section shall be called "The County Judge's Criminal Court" of the county in which the same is held.

59. In addition to the sittings of the courts of general sessions of the peace and of the County court of the County of York, now held in and for the county of York, there shall be held in each year a fourth sittings thereof respectively, to be held on the second Tuesday in September of each and every year;

tween Michaelmas and Hilary terms.

Sitting of associate and justice of peace at general sessions dispensed with when a judge sits there

County judges criminal court.

Judge in the county court authorized to act as chairman in general sessions constituted a court for trial without jury of certain offenders.

Powers and duties.

Style of the court under last section.

Fourth sittings of county court and general sessions to be held in County of York on 2nd Tuesday in September.

year; and the sittings of the said general sessions of the peace and of the county court of the County of York now by law directed to be held on the second Tuesday in the month of June, shall be held on the second Tuesday in the month of May, including the present year; and all provisions of law relating to jurors and juries, and other matters shall apply to such additional and altered sittings respectively, in the same manner as to the present sittings heretofore held of such courts respectively.

Execution
may issue to
enforce judge's
order for costs.

60. It shall not be necessary, in any proceedings to make a judge's order for the payment of costs a rule of court, but writs of execution may be issued, in pursuance of the said order, in the same manner, and shall have the same force and effect as if the same had been issued in pursuance of a rule of court.

Section 127 of
C. L. P. A.
repealed.

61. Section one hundred and twenty-seven of the Common Law Procedure Act is hereby repealed.

C. S. U. C.
cap. 27
repealed.

62. Section five of the twenty-seventh chapter of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:

Notice of title
in ejectment.

5. Such notice may contain any number of modes in which title is set up: Provided always that the opposite party shall be at liberty to apply to the court or a judge to strike out any mode upon the ground of embarrassment or delay; and at the trial the claimant shall be confined to proof of the title set up in the notice; but the claimant shall not be required to set out in such notice the date or particular contents of any letters patent, deed, will or other instrument or writing which shows or supports his title, or the date of any marriage or death, unless it be specially directed by order of the court or a judge.

Salaries of
dep. clerks of
the Crown.

63. The Lieutenant-Governor in Council may appoint that sums not in any case exceeding six hundred dollars nor less than one hundred dollars yearly shall be paid out of moneys to be hereafter voted by the Legislature for this purpose, as and for the salaries of the deputy clerks of the Crown respectively.

Certain sec-
tions of this
Act not to
take effect un-
til 1st Jan.
1874.

64. The forty-sixth, forty-seventh, fifty-first, fifty-sixth, fifty-seventh, fifty-eighth, sixty-second and sixty-third sections of this Act, and so much of the fifty-ninth section as relates to the sittings of the county court in September of every year shall go into force forthwith, and the other sections shall go into force on and after the first day of January next.

Short title.

65. This Act may be cited as "The Administration of Justice Act of 1873."

CAP. IX.

An Act to amend "The Common Law Procedure Act."

[Assented to 29th March, 1873.]

WHEREAS it is desirable to amend the procedure in Preamble.
 respect to the trial of issues of fact, and the assessment
 or enquiry of damages in civil causes :

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. Section two hundred and seven of "The Common Law Entering re-
 Procedure Act" is hereby repealed, and the following section ords in
 substituted :—"In the County Courts, the plaintiffs shall enter county courts.
 with the clerk of such Courts, respectively, a record in the form
 of a Nisi Prius Record, on or before the first day of the sitting
 of such Courts."

2. In the issue book or record in any cause or action, whether Venire.
 in either of the Superior Courts of Common Law or in any
 County Court, whether the issues are to be tried or the dam-
 ages to be assessed, with or without the intervention of a jury, it
 shall not be necessary to enter or to use any other *venire* than
 the following, that is to say, "Therefore, &c."

3. When issues in fact have been tried, or damages have been Postea.
 assessed or enquired of before a judge, without the intervention
 of a jury, in the roll, the *postea*, as the case may be and accord-
 ing to the Court in which the action is brought and carried on,
 may be entered in words or to the effect of form A or form B in
 the schedule to this Act; and it shall be sufficient in any *postea*
 to state that all or any of the issues (specifying them by their
 numbers or order) have been found in favour of the plaintiff or
 defendant (*as the case may be*).

4. Section three of chapter forty-two of the Act passed in 23 V., c. 42, s.
 the twenty-third year of Her Majesty's reign is hereby repealed, 3, amended.
 and the following is substituted and shall be read in lieu thereof:
 "In town causes the records shall be entered with the Clerk
 of Assize for the then next ensuing Court of Assize, at any
 time during the three days last before the commission day of
 the Assizes, and on said commission day at any time before
 noon: After noon of such day the presiding judge may per-
 mit any record to be entered with the clerk of assize, if on facts
 disclosed on affidavit or on consent of parties he see fit to do
 so: Such clerk shall make lists as aforesaid, and they shall be
 regulated and the business disposed of as in country causes."

How records to
 be entered in
 town causes.

S. 92 of
C. L. P. A.
amended.
Notice to
plead, etc.

5. Section ninety-two of "The Common Law Procedure Act" is hereby repealed, and the following substituted therefor:—"A notice requiring the opposite party to plead, reply, or join in demurrer, as the case may be, within eight days, or to rejoin, or otherwise, as the case may be, within four days, otherwise judgment, shall be sufficient without any rule or other demand; and such notice may be delivered separately, or be endorsed on any pleading which the other party is required to answer.

Teste and
date of
subpoenas.

6. All writs of subpoena may be tested, or may bear date upon the day when the same are issued.

SCHEDULE.

(FORM A.)

Afterwards on the _____ day of _____ in the
year of our Lord 18____, at the sittings of Assize and Nisi
Prius holden at the _____ in and for
the _____ Count _____ of _____, the Honourable Mr.
Chief Justice (*or, the Honourable Mr. Justice, as the case may
be*), before whom the said issues were tried with-
out a jury, found all the issues within joined in favour of the
plaintiff (*or, of the defendant, or found the first, second, third
and fourth issues within joined in favour of the plaintiff, and
found the fifth, sixth and seventh issues within joined in favour
of the defendant, or as the case may be*), and the said judge
assessed the damages of the plaintiff at _____ over
and above his costs, (*or, if a verdict be found for defendant for
a balance on a plea of set-off, insert after the word "judge" the
words, found a balance due to the defendant, and assessed his
damages at _____ over and above his costs.*) There-
fore, &c.—(*or, if an assessment only, omit all after the word
"whom" and insert the following, the damages of the plaintiff
were enquired of without a jury, assessed the same at the sum
of _____ over and above costs of suit. Therefore, &c.*)

FORM B.

Afterwards on the _____ day of _____ in the
year of our Lord 18____, at a sitting of the County Court of the
_____ Count _____ of _____ holden at the _____ of
_____ in the said _____ Count _____
for trials and assessments, the presiding judge before whom the
said issues were tried without a jury, found all the issues within
joined in favour of the plaintiff (*or, of the defendant, or, found
the first, second, third and fourth issues within joined in favour
of*

of the plaintiff, and found the fifth, sixth and seventh issues within joined in favour of the defendant, *or as the case may be*), and the said judge assessed the damages of the plaintiff at over and above his costs, (*or if a verdict be found for defendant for a balance on a plea of set-off. insert after the word "judge" the words, found a balance due to the defendant, and assessed his damages at over and above his costs.*) Therefore, &c.—(*or, if an assessment only, omit all after the word "whom" and insert the following, the damages of the plaintiff were enquired of without a jury, assessed the same at the sum of over and above costs of suit. Therefore, &c.*)

CAP. X.

An Act to amend the Law of Evidence.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any civil suit, action, or other proceedings in any court of law or equity in this Province, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, the husbands and wives of the parties thereto, and of the persons in whose behalf any such suit, action, or other proceeding, may be brought or instituted, or opposed, or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce* or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said suit, action, or proceeding. Evidence of husband and wife.
2. No husband shall be compellable to disclose any communication made by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage. Communications made during marriage.
3. Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any proceeding instituted in consequence of adultery. Proceedings consequent on adultery.
4. On the trial of any proceeding, matter or question, under any of the Acts of the Province of Ontario, relating to Tavern and Evidence in trials under Acts of the

Province of
Ontario.

and Shop Licences, or under the Municipal Institutions Act of Ontario, or under the Assessment Act of Ontario, or under any other Act of the Legislative Assembly of the Province of Ontario, or on the trial of any proceeding, matter or question, before any justice or justices of the peace, mayor, or police magistrate, in any matter cognizable by such justice or justices, mayor, or police magistrate, not being a crime, the party opposing or defending, or the wife or husband of such person opposing or defending, shall be competent and compellable to give evidence in such proceeding, matter or question.

Sec. 5, sub-s.
(e), 33 V., c.
13, repealed.

5. Sub-section (e) of section five of the "Evidence Act 1869" is hereby repealed.

In suits by or
against repre-
sentatives of a
deceased, the
evidence of the
opposite party
must be cor-
roborated.

6. In a suit by or against the heirs, executors, administrators, or assigns of a deceased person, an opposite or interested party to the suit shall not obtain a verdict, judgment, or decision therein, on his own evidence, in respect of any matter occurring before the death of the deceased person, unless such evidence is corroborated by some other material evidence.

In suits by or
against lunatics,
&c., evi-
dence of oppo-
site party to be
corroborated.

7. In a suit by or against a person found by inquisition to be of unsound mind, or being an inmate of a lunatic asylum, an opposite or interested party shall not obtain a verdict, judgment, or decision therein, on his own evidence, unless such evidence is corroborated by some other material evidence.

CAP. XI.

An Act to facilitate the proof of telegraph messages, letters and other written instruments.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the present rule of evidence with respect to the proof of private writings and documents is productive of inconvenience and expense, and it is expedient to modify such rule to the extent hereinafter mentioned;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Copies of
certain docu-
ments may be
admitted as
evidence on

1. In any action, suit or proceeding at law or in equity, in the cases of telegraphic messages, letters, shipping bills, bills of lading, delivery orders, receipts, accounts and other written instruments used in business and other transactions, where according
to

to the existing rule of law, exclusive of the provisions contained in this Act, it would be necessary to produce and prove the original document, the party intending to establish in proof the contents of such original document may give notice to the opposite party ten days at least before the trial or other proceeding in which the said proof is intended to be adduced, that he intends at the said trial or other proceeding to give in evidence as proof of such contents, an instrument purporting to be a copy of such document and which may then be inspected by such opposite party at some convenient time and place, in every such case such copy shall without further proof be sufficient evidence of the contents of such original document, and be accepted and taken in lieu of such original; certain conditions. Provided always that in case the party receiving such notice, does within three days after the time mentioned therein for such inspection give notice that he intends to dispute the correctness or genuineness of such copy at the said trial or proceeding, and to require proof of the original, he shall be at liberty so to do; and the Court or Judge, before whom such question is raised may direct by which of the parties the costs which may thereupon attend any production or proof of the original document according to the rule of evidence heretofore existing shall be paid. Proviso.

CAP. XII.

An Act with reference to Evidence and Witnesses before Arbitrators.

[Assented to 29th March, 1873.]

WHEREAS it is expedient to compel, by subpœna, the attendance of witnesses before arbitrators: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one hundred and eighty of "The Common Law Procedure Act," being chapter twenty-two of The Consolidated Statutes for Upper Canada, shall be and is hereby amended by adding thereto the words following, namely:— C. S. U. C., c. 22, s. 180 amended.

"Provided always, that in case of any such reference by rule, order or submission, as aforesaid, any party thereto may, without leave or order, obtain and issue from and out of the Court by which such rule or order was made, or the Court mentioned in such agreement, or if no such Court be mentioned in the submission and there be no restriction of the jurisdiction as aforesaid, then from and out of any one of the Superior Courts, a subpœna, commanding the attendance and examination of any witness, and also the production of any document to and before

Issue of subpœnas to witnesses to attend before arbitrators.

"before the arbitrator or arbitrators or umpire, and at the
"time and place mentioned in such subpoena."

Sec. 181
amended.

2. Section one hundred and eighty-one of the said "The Common Law Procedure Act" shall also be amended by inserting therein the word "subpœna" before the word "rule," wherever said word "rule" occurs in such section, and also by adding at the end of such section the words "rule or subpoena."

Section 182
amended.

3. Section one hundred and eighty-two of the said "The Common Law Procedure Act" is hereby repealed, and in lieu and stead thereof, and to be read as section one hundred and eighty-two of the said Act, there shall be and is hereby inserted in said Act the section following:—

Witnesses may
be sworn.

182. The witnesses upon any such reference shall, unless the parties otherwise agree or consent, be examined upon oath, and the arbitrator or umpire, or any one arbitrator, shall administer an oath to such witnesses, or take their affirmations in cases where an affirmation is allowed by law instead of an oath.

Commissions
to examine
witnesses.

4. In case any party to any such reference by rule, order or submission, as is within the meaning of said section one hundred and eighty, is desirous of having and submitting therein to and before the arbitrator or arbitrators or umpire, the testimony of any aged or infirm person resident within Ontario, or of any person who is about to withdraw therefrom, or who is residing without the limits thereof, the court by which such rule or order was made, or a judge thereof, or the court mentioned in such submission or agreement, or a judge thereof, or if no such court be mentioned in the submission or agreement, then any one of the Superior Courts, or any judge thereof, may upon the motion of such party, and upon hearing the other parties to such reference, order the issue of one or more commission or commissions under the seal of the said proper court in that behalf, to one or more commissioner or commissioners, to take the examination of such person or persons respectively.

Notice of
commission to
be given.

5. Due notice of every such commission shall be given to the adverse party, to the end that he may cause the witnesses to be cross-examined.

Return of
commission.

6. In case the examination of any witness or witnesses taken without the limits of Ontario, pursuant to any such commission, be proved by an affidavit of the due taking of such examination, sworn before and certified by the mayor or chief magistrate of the city or place where the same has been taken, and in case such commission, with such examination and affidavit thereto annexed, be returned to the court from which such commission issued, close under the hand and seal of one or more of the commissioners, the same shall *prima facie* be deemed to have been duly taken, executed and returned, and shall be received as
evidence

evidence in the matter of any such reference by and before the arbitrator or arbitrators or umpire, unless it is made to appear to the court to which such examination is returned, or to a judge thereof, that the same was not duly taken, or unless it is made to appear to and before the said arbitrator or arbitrators or umpire that the deponent is of sound mind, memory and understanding and living within Ontario, at the time such examination is offered in evidence to and before such arbitrator or arbitrators or umpire.

CAP. XIII.

An Act to amend the Upper Canada Jurors' Act,
so as to provide for the payment of Special Jurors.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. There shall be paid to every Special Juror summoned upon the trial of any issue in any civil cause, the sum of two dollars for each day's attendance at the sitting of the Court to which he is summoned, and for each day coming to and returning from the said Court, together with mileage for the number of miles necessarily travelled by him, in coming to the said Court, at the rate of ten cents per mile; and the sums so paid shall be the fees of Jurors, mentioned in section one hundred and twenty-three of the Upper Canada Jurors' Act.

Fees and mileage of special jurors in civil causes.

2. Immediately after the striking of such Special Jury, the Sheriff, or other officer charged with the execution of the writ of *venire facias juratores*, shall certify the sum required to pay the attendance of such Jurors for three days, and the allowance for mileage and Sheriff's fees; and the party suing out the said writ shall deposit with the said Sheriff or other officer to pay such expenses as aforesaid, but nothing herein contained shall limit the payment required to be made to such Jurors to the sum so deposited.

Parties issuing writ of *ven. fac.* to deposit certain expenses of jurors with Sheriff.

3. The Upper Canada Jurors' Act be amended by inserting between clauses one hundred and twenty-three and one hundred and twenty-four the following clause, that is to say:—

C. S. U. C., cap. 31. amended

123(a). If, for any reason, any cause in which a Special Jury has been summoned be not tried, the party who sued out such *venire facias* for such Special Jury shall not have any further or other allowance for the same, upon taxation of costs, than

Costs where Special Jury has been summoned but the cause not tried by them.

than if such Jury had not been summoned, unless a Judge, upon cause shewn, certify under his hand that the same was a cause in which it was reasonable that a Special Jury should be summoned.

CAP. XIV.

An Act to provide for the recovery of Costs in undefended Actions of Ejectment.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it is expedient to provide for the recovery of costs in actions of ejectment where no appearance is entered, and no defence made thereto :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

C. S., U. C.,
c. 27, s. 15.

1. Section fifteen of the Act intituled "An Act respecting Ejectment," and being chapter twenty-seven of the Consolidated Statutes for Upper Canada, is hereby amended by adding thereto the words following :

Costs in eject-
ment in de-
fault of ap-
pearance.

"Provided always, that in case no appearance be entered
"within the time appointed, and in case the claimant files the
"writ, and an affidavit of personal service thereof, or in case of
"service on a corporation, files an affidavit of service in the
"manner authorized for service on corporations, and also files
"an affidavit that the party so served was at the time of the
"issue of such writ in actual adverse possession of the land, or
"instead of such affidavits obtains and files a rule of court or
"judge's order, allowing him to sign judgment as well for his
"costs as for recovery of possession of the land, such claimant
"may at once sign judgment that the person whose title is
"asserted in the writ shall recover and have possession of the
"land, and also his costs (to be taxed in the ordinary way), and
"the claimant may forthwith issue execution thereupon ; and
"such last-mentioned judgment may be in the form No. 2, or
"to the like effect, with the words following, or words to the
"same effect added thereto, namely, 'and do also recover
"against the said C. D. (the defendant), \$ for his costs
"of suit.'"

CAP. XV.

An Act to amend the Law respecting Stamps on Law Proceedings and Registrations.

[Assented to 29th March, 1773.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section twenty of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and chaptered five, is hereby amended by striking out the words "his name and."

27 & 28 V.,
c. 5, s. 20,
amended.

CAP. XVI.

An Act to amend the Act respecting Partition of Real Estate.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall not be necessary to publish the petition and notice mentioned in the fourteenth section of the Statute of the Legislature of the Province of Ontario, passed in the thirty-second year of the Reign of Her said Majesty, chaptered thirty-three, but, in lieu thereof to publish a notice which shall set forth the names of the plaintiffs and defendants, and shall be directed to the defendants and to all unknown persons having or claiming any interest in the land, and describing it as it is described in the petition, and stating the Court to which, and the time and place when and where the said petition will be presented, and calling upon all persons then and there to appear and state what claims, if any, they have to the said land, and that in default of their so appearing the said matter will be proceeded with in their absence, the form of which said notice shall be settled in each case by the Judge before publication thereof.

Publication of
notice when
parties inter-
ested are un-
known or re-
side abroad.
32 V., c. 33, s.
14, amended.

2. The said notice shall be published in the Official Gazette for four weeks before the presentation of the said petition, and a paper published in the county within which the said lands lie, and if there be no such paper, then in a newspaper published in the City of Toronto once in each week for four weeks before the time when the petition is to be presented.

Publication of
notice in Ga-
zette and news-
papers.

Notice to be posted on Court House and School House.

3. A copy of the said notice shall be put up at or near the door of the Court House of the county wherein the said lands lie more than four weeks before such time, and shall at the same time be put up at the School House of the section or school division within which the said land is situate.

Judge may order a sale without a reference.

4. The Court or Judge may, if it shall seem expedient to the said Court or Judge, in the first instance order a sale of the said lands without reference to the real representative.

Reference as to liens or charges.

5. The reference mentioned in the twenty-seventh section of the said Act may be embodied in the order directing a sale, and the said order may direct payment out of the proceeds of the sale of said lands of any such liens or charges.

Attorneys or solicitors may be appointed guardians.

6. A solicitor or attorney may be appointed guardian for any infant defendant, and in such case it shall not be necessary to file any bond or other security, but it shall be necessary that everything should be proved against the said infant, and it shall not be competent for any such guardian to give any consent on behalf of the said infant, but the Court or Judge may, on his or her behalf, where it shall be deemed advisable in the interest of such infant so to do, consent to such proceeding.

Orders binding absent or unknown persons

7. Before making any order for sale where the plaintiff desires to bind absent or unknown persons the Court or Judge is to be satisfied that all persons who are known have been served with notice of the said proceedings, and that the proper publication has taken place as directed by this Act, and the party prosecuting the said proceedings is, in addition to all title deeds, to produce to the Court or Judge an abstract of the title of the lot, certified by the registrar of the county in which the lands lie.

Adding parties.

8. In case it shall at any time during the course of the proceedings appear that any person not already a party to the suit has any interest in the said land the Judge may, upon such terms as shall to him seem just, order such person to be named as a party and served with notice of the proceedings, and from the time of the service of such order, the said party shall be bound by the said proceedings in the same manner as if he had actually been made a party to the act.

Registration of partitions.

9. Immediately after the allowance of the said petition, upon the application of the party prosecuting the same, the registrar, deputy registrar, or clerk of the court, is to sign a certificate which is to set forth that the petition was allowed for partition of the lands and tenements, describing them, which may be registered in the registry office for the county in which the lands lie.

Death, transmission, or change of interest.

10. Proceedings under the said Act shall not abate or be suspended by any death, or transmission, or change of interest, but in any such event, if known, the Court or Judge may require

quire notices to be given to persons becoming interested, or may make any order for carrying on the proceedings, or otherwise, in relation thereto, as may be just.

11. When the said notice of the said petition has been published as required by this Act, the order for sale is to state that the said notice has been so published, and that the said sale shall bind absent persons, whether known or unknown; and the deed to be executed by the real representative is to set forth the said order; and the said deed shall vest in the purchaser an absolute and indefeasible title, and shall be conclusive evidence that every application, notice, publication, proceeding, and act whatsoever, which ought to have been given and done previously to the execution of the same, has been given and done by the proper parties.

Order for sale.

Deed.

Effect of deed.

12. If any party interested in the estate, respecting which proceedings are, or are proposed to be taken under the said Act has not been heard of for three years or upwards, and it is a matter of uncertainty whether such party be living or dead, it shall be competent for a Judge of any of the courts in the said Act mentioned, to appoint a suitable and disinterested person to be a guardian, for the special purpose of taking charge of the interest of the said party, and of those who, in the event of his being dead, are entitled to his share or interest in the said estate.

Appointment of guardian to the estate of one unheard of for seven years.

13. Such application may be made by any one interested in the said estate, and the Judge making such appointment may give such directions as shall be necessary, for the execution of sufficient bonds which shall be entered into by the said guardian so appointed, with sureties in the manner provided by the tenth section of the said Act

Application to appoint guardian.

14. After the execution and filing of such bond such guardian shall, in the said proceedings, represent the said party, and those who, should he be dead, are entitled to his share or interest in the said estate, and whether they or any of them be minors or otherwise under disability; and his acts in relation to such share or interest shall be binding on such party, and all others claiming or entitled to claim under or through him, and shall be as valid as if done by him or them.

Powers of guardian.

15. It shall be competent for the court in which such proceedings shall have been taken upon proof of such long continued absence of the said party as shall afford reasonable ground for believing him dead, upon the application of such guardian or any one interested in the estate represented by such guardian, to deal with the estate or interest of such party, or the proceeds thereof, and order the payment of such proceeds, or the income or produce thereof, to the person or persons who, in the event of the said party being regarded as dead, shall appear entitled to the same.

Power of the Court to deal with the estate.

Guardian may
apply to the
Court for
guidance.

16. Any guardian appointed under the said Act shall be at liberty to apply to such court from time to time, for direction and guidance in the management of the said estate, and for compensation for his services in connection therewith; and the said court, or a Judge thereof, may make all such orders, and give such directions in reference thereto, as shall to the said court or Judge appear just.

Amendments
to proceedings.

17. The Court, or a Judge, shall have the same powers of amendment of all or any of the proceedings under the said Act, as are possessed by the Court or a Judge in ordinary suits, and proceedings pending in the said Court.

Moneys, how
to be paid in
or out.

18. All moneys which may be from time to time payable in respect of sales under the Act hereby amended, or under this Act, or of securities standing in the name of the Surrogate Judge, shall be paid into the bank into which moneys payable into the Court of Chancery may, under the then existing orders of that court, be required to be paid; and shall be so paid in and paid out, or again invested, as the case may require, as nearly as may be according to the practice of the said Court of Chancery in like cases: and the Registrar of the Surrogate Court shall make a return to the Lieutenant-Governor, in January of every year, of all moneys so paid in and paid out, and invested respectively, during the preceding year, including any additional particulars relating thereto which he may from time to time require.

Returns by
Registrar of
Surrogate.

CAP. XVII.

An Act to further amend the "Registration of Titles (Ontario) Act."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it is expedient to further amend the "Registration of Titles (Ontario) Act:"

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 Vic., c. 20,
s. 45, amended.

1. Section forty-five of the said "Registration of Titles (Ontario) Act" is hereby amended by adding after the word "Province" in said section the words, "or have become or are "insane, idiotic, imbecile, or of unsound mind or understanding and whether so found by inquisition or not), or whenever any instrument, not by law requiring an attesting or subscribing witness thereto, has been executed without any attesting or subscribing witness thereto, or in case it is proved to the satisfaction of the judge in this section mentioned that the place of abode or residence of such first above-mentioned witnesses is unknown."

Witnesses in-
sane, absent,
&c.

2. No registration under the said Act of any instrument shall be deemed or adjudged void, or defective by reason of the name, place of residence, addition, occupation or calling of the subscribing witness thereto not being set forth in full, or being improperly or insufficiently given or described in the affidavit mentioned in and required by section thirty-eight of the said Act, nor by reason of any clerical error or omission of a merely formal or technical character in such affidavit.

Certain defects in affidavit not to invalidate registration of deeds.

3. Any instrument may be registered under the said Act, notwithstanding that the Christian name or names of the subscribing witness making such affidavit is or are only set forth therein by initial letter or letters, or abbreviation or abbreviations, and not in full.

Deeds may be registered notwithstanding Christian name of witness not set forth.

4. Section sixty-six of said Act is hereby amended by inserting therein after the word "equity" the words "or at law;" and said section sixty-six is also hereby amended by adding at the end thereof the words following:—"Notwithstanding any defect in the proof for registry:" but nevertheless it shall continue to be the duty of every Registrar not to register any instrument, except on such proof as required by the said Act and section three of this Act.

S. 66 amended as to notice.

5. The last preceding section shall only apply retrospectively as to matters and facts within the meaning of section two of this Act.

Last above section not retrospective except in certain cases. Former defective registries not to be deemed void.

6. The registry of any instrument heretofore had under said Act shall not be deemed void by reason of any defect in the proof for registry; but this section shall not apply to any matter or fact heretofore adjudged or decided upon by any court of competent jurisdiction in that behalf.

7. Section sixty-four of the said Act is hereby amended by inserting therein, after the word "consideration," the words "without actual notice."

Sec. 64 amended as to notice.

8. It shall not be necessary that the residence or occupation of the attesting witness to any certificate of discharge of mortgage shall be stated in the attestation clause thereof; nor shall any such certificate heretofore registered be invalid or inoperative by reason of the omission to state in such attestation clause the residence or occupation of any such attesting witness.

Residence, &c., of witness to discharge of mortgage need not be given in attesting clause.

9. No registration or entry heretofore made shall be adjudged or held to be void by reason of the Registrar having failed or omitted to make or sign the certificate of entry, discharge, or registry required to be made in the margin of, or elsewhere in the registry books or other books of entries: and, in case of such failure or omission, such certificate may be made or signed by any subsequent Registrar, and shall have the same force and effect as if it had been made or signed by the Registrar whose duty it was to have made or signed it.

Registries, &c., not to be deemed void by absence of certificates, &c., in margin of books.

The case of part of a township made part of a new township without change of registry books provided for.

Proviso.

Proviso.

Interpretation
—"Instrument,"
"Land."

10. In case a part or parts of any township or townships as originally laid out, surveyed and named, has or have been heretofore made or erected into a new township, but, nevertheless, the registrations of instruments affecting or respecting land in said first mentioned township or townships, and the registration books and indices therefor and relating thereto have continued to be and are now used, made, kept, entered and registered for and of said first mentioned township or townships, and as if the same had continued to be as so, originally laid out, surveyed and named, then and in every such case, and for and in respect to all matters and purposes either heretofore or hereafter of or relating to any such instrument, and any and all such registrations, registry books and indices, and the description therein of any land or premises, said first-mentioned township or townships shall be deemed, considered and taken as if the same had heretofore and hereafter continued to be and remained as so originally laid out, surveyed and named, any law or statute to the contrary notwithstanding: Provided always, that nothing in this section contained shall be deemed or taken as relating to or affecting any incorporated town or village, or the land therein, or the registration of any instrument respecting the same, from or after the time of the incorporation of said town or village; And provided also that nothing in this section contained shall impair or make defective any instrument or the registration thereof, because of any land being therein described or mentioned as situate in such new township.

11. In this Act the word "instrument" and the word "land" shall be construed in the same manner and in the same sense, and shall have the same meaning respectively as the said words respectively have in and under the said "Registration of Titles (Ontario) Act."

CAP. XVIII.

An Act to facilitate the conveyance of Real Estate by Married Women.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "The Married Woman's Real Estate Act, 1873."

Interpretation of certain terms in this Act.

"Real Estate."

2. In this Act the term "real estate" extends to lands, chattels real, rents and hereditaments, whether corporeal or incorporeal, and to any undivided share thereof; to any estate, right or interest therein, whether legal or equitable; to any charge, lien or encumbrance in, upon or affecting real estate, either at law

law or in equity; to money subject to be invested in real estate; and to any interest, charge, lien or encumbrance in, upon or affecting such money as aforesaid.

The term "judge" means a judge of one of the superior "Judge." courts, a judge of a county court, or a junior or deputy judge.

3. Every married woman, being of the full age of twenty-one years, may, by deed, convey her real estate, and convey, release, surrender, disclaim or extinguish any interest therein, and may also, by deed, release or extinguish any power which may be vested in, or limited or reserved to her in regard to real estate; and may also, by deed, appoint an attorney or attorneys for the purposes aforesaid, and every of them as fully and effectually as she could do if she were a *feme sole*; save and except that, unless hereinafter otherwise provided, no such conveyance, release, surrender, disclaimer or extinguishment shall be valid or effectual unless the husband is a party to and executes the deed by which the same shall be effected; and save and except also that no such deed appointing an attorney shall be valid or effectual unless the husband is a party to, and executes the same, or the deed executed in pursuance thereof.

A married woman, with her husband's concurrence, may convey real estate or any interest therein, and release and extinguish powers and appoint an attorney as a *feme sole*.

4. Except in the case of a married woman, where, by law, the Court of Chancery, or any person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot or of unsound mind is or are the protector of a settlement in lieu of her husband, if a husband be, in consequence of being a lunatic, idiot or of unsound mind, (and whether he be found such by inquisition or not) or be, from any other cause, incapable of executing a deed, or if his residence be not known, or he be in prison, or be living apart from his wife by mutual consent, or if there be, in the opinion of the judge, any other cause for so doing, a judge may, by an order to be made by him, in a summary way, upon the application of the wife, upon such evidence as to him shall seem meet, and either *ex parte*, or upon such notice to the husband as he may deem requisite, dispense with the concurrence of the husband in any case in which his concurrence is required by this Act, or otherwise; and all acts, deeds, disclaimers, surrenders or powers of attorney done, executed or made by the wife, in pursuance of such order, in regard to her real estate shall be done, executed or made by her in the same manner as if she were a *feme sole*, and when so done, executed or made by her shall be as good and valid as they would have been if the husband had become a party to and executed the same.

Except where the Court of Chancery or other persons intrusted with lunatics are protector of the settlement in lieu of the husband, a judge may dispense with the concurrence of the husband in certain cases.

5. Such order may be in the form following, or to the like effect.

Form of order.

"THE MARRIED WOMAN'S REAL ESTATE ACT, 1873."

Upon application of *A B* of
(or formerly of, etc.) *I*,

the wife of *C D* of
one of the Judges
of

of the Court of Queen's Bench for Ontario (*or as the case may be*) do, pursuant to "The Married Woman's Real Estate Act, 1873," order that the said *A B* may, in the same manner, and with the same effect as if she were a *feme sole*, bargain, sell and convey, (or appoint an attorney or attorneys to bargain, sell, and convey) all or any part of her estate, title and interest of, in, to or out of all and singular (*describe the premises*).

Dated this

day of

A.D.

(*Signature of judge*).

Order may be registered.

6. Such order may be in duplicate or as many parts as may be necessary, and shall be signed by the judge, and may be registered in the registry office of the county wherein the lands to which the same relates are situate upon its production and deposit without any proof thereof, and such registration may take place either before or after the execution of the deed which shall be made in pursuance of such order.

Order may be endorsed or written upon the deed.

7. Such order may, if desired, be indorsed or written upon the deed to which the same relates, in which case it shall be registered as part of the deed.

The fee for registration of order.

8. For the registration of such order, including all necessary entries and certificates, the Registrar shall be entitled to a fee of one dollar, unless the order be endorsed or written upon the deed, in which case no fee shall be payable in respect of the registration thereof.

Judge's fee for order.

No other fee or charge to be payable.

9. For every such order including every duplicate or other part thereof, the judge shall be entitled to his own use to a fee of two dollars; but no other fee or charge of any kind shall be payable in respect thereof, either to the clerk, fee fund or otherwise.

If order indorsed or written on deed, how real estate may be described.

10. If such order be endorsed or written upon the deed to be made in pursuance thereof, the real estate to which the same relates may be described in the order by reference to the description contained in the deed.

The powers of conveying given by this Act to a married woman not to interfere with any other power.

11. The powers of conveying given by this Act to a married woman shall not impair or affect any powers which independently of this Act, may either by statute, contract or settlement be vested in or limited or reserved to her so as to prevent her from exercising such powers in any case, except so far as by any conveyance made by her under this Act, she may be prevented from so doing in consequence of such powers having been suspended or extinguished by such conveyance.

Defective conveyances to be valid.

12. Every conveyance heretofore executed by a married woman of or affecting her real estate, in which her husband shall have joined, is and shall be taken and adjudged to be valid and effectual

fectual to have passed the estate which such conveyance professed to pass of such married woman in the said real estate, notwithstanding the absence or want of a certificate of her consent to convey the same; and notwithstanding any irregularity, informality, or defect in the certificate (if any); and notwithstanding that such conveyance may not have been executed, acknowledged or certified as required by any Act now or heretofore in force respecting the conveyance of real estate by married women, or shall not have been executed by the married woman in presence of her husband, or on the same day on which or at the same place where such conveyance shall have been executed by her husband.

13. Nothing in this Act contained shall render valid any conveyance to the prejudice of any title, subsequently to the execution of such conveyance and before the passing of this Act acquired from the married woman by deed duly executed and certified as by law required, unless the actual possession or enjoyment of the real estate conveyed or intended to be conveyed by the prior conveyance shall have been had at any time subsequent thereto by the grantee therein, or those claiming by, from or under him, and he or they shall have been in such actual possession or enjoyment continuously for the period of three years before the passing of this Act, and he or they is or are at the time of the passing of this Act in the actual possession or enjoyment thereof; and nothing in this Act contained shall render valid any conveyance from the married woman which was not executed in good faith, or any conveyance of land of which the married woman or those claiming under her, is or are in the actual possession or enjoyment contrary to the terms of such conveyance.

Certain titles
not to be pre-
judiced.

14. Sections one, five, six, seven, and eight of chapter eighty-five of the Consolidated Statutes for Upper Canada, and sections one, two, three, four and five of an Act passed in the thirty-fourth year of Her Majesty's reign, chaptered twenty-four are hereby repealed.

Con. Stat.
U.C., c. 85 s-s.
1, 5, 6, 7 and
8, and 34 Vic.
c. 24 (Ontario)
ss. 1, 2, 3, 4,
and 5, repeal-
ed.

CAP. XIX.

An Act further to amend the Act intituled "An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents."

[Assented to 29th March, 1873.]

WHEREAS, by the Act passed in the twenty-ninth year of the reign of Her present Majesty, intituled "An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents," it is provided that premiums on such policies of insurance may be payable during the whole period

Preamble.

period of the life of the insured, or during any lesser period, by annual, half-yearly, quarterly or monthly payments; And whereas, doubts exist whether the said Act, and the Act of the Legislature of the Province of Ontario, amending the same, passed in the thirty-third year of Her Majesty's reign, intituled "An Act to amend the Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, intituled 'An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents,'" apply to policies of insurance effected by the payment of one sum as such premium, and to policies effected for a limited term of years; and it is expedient to remove the said doubts:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

29 V., c. 17,
and 33 V., c.
21 to apply in
cases of pay-
ment of one
premium for
whole term.

1. The said Acts recited in the preamble of this Act shall apply to policies of insurance effected for the purposes of the said Acts by the payment of one sum as the premium for such insurance, and to policies of insurance effected in like manner for a limited term of years; and the said Acts shall be read and construed as if this Act formed part of the said Acts at the time of the passing of the said Acts.

Certain poli-
cies made
valid.

2. All such policies of insurance as have heretofore been effected in the manner set forth in the first section of this Act, and in pursuance of the said Acts in the preamble recited, are hereby made valid and effectual as if made in pursuance of and under this Act.

Insured may
on death of
any beneficiary
re-allot the
share of de-
ceased.

3. In the event of some of the persons for whose benefit an insurance under the said Acts, or this act, has been effected, dying in the lifetime of the insured, it shall be lawful for the said insured after the death of such person, by any instrument in writing attached to or endorsed upon the policy of insurance, to declare that the share formerly allotted to such person or persons, shall be for the benefit of such other person or persons as the said insured may determine; and it shall be further lawful for the said insured from time to time, by any further or other instrument in writing attached to or endorsed on such policy, to alter the shares and allotments of such insurance money among the parties entitled to be benefited as he may deem proper.

Insured may
direct applica-
tion of bonuses
and profits.

4. Any party who has effected, or who may hereafter effect any such policy of insurance under the said Acts or this Act may in writing require the assurance company issuing such policy to apply the bonuses or profits accruing thereunder, or portions of the same in reduction of the annual premiums payable by such insured in such way as he may direct; or he may require the said bonuses or profits to be added to the policy; and the said insurance company shall apply such bonuses or profits as such insured shall direct, and according to the rates established by such company.

5. Section four of the Act passed in the thirty-fifth year of the 35 V., c. 16,
 reign of Her Majesty, chaptered sixteen, and intituled "An Act s. 4, amended.
 to extend the rights of property of Married Women," is hereby
 amended by striking out the words "may at any time after ef-
 fecting such insurance, notwithstanding a year may have elapsed"
 in the fourth and fifth lines of the said section, and inserting in
 lieu thereof the words "has heretofore or may hereafter."

CAP. XX.

An Act to consolidate and amend the Law as to Wills.

[Assented to 29th March, 1873.]

WHEREAS it is expedient to consolidate and amend the
 Law as to Wills;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. This Act may be cited as "The Wills Act, 1873."

Short title.

2. Unless herein otherwise expressly provided, this Act shall
 not extend to any will made before the first day of January, Commence-
 one thousand eight hundred and seventy-four, but every will ment of opera-
 re-executed or re-published, or revived by any codicil, shall, for the tion of the Act,
 purposes of this Act, be deemed to have been made at the time at
 which the same shall be so re-executed, re-published, or revived.

3. Nothing contained in the thirty-eighth and seven following Ss. 38 to 45 not
 sections of this Act shall apply to or affect any case at the to apply to
 time of the passing of this Act pending or heretofore adjudica- cases pending
 ted upon and decided by any Court in Ontario. or decided.

4. In this Act, the term "will" shall extend to a testament, Interpretation
 and to a codicil, and to an appointment by will, or by writing in clause.
 the nature of a will in exercise of a power, and also to a dispo- Imp. 1 V., c.
 sition by will and testament, or devise of the custody and tuition 26, s. 1.
 of any child, by virtue of an Act passed in the twelfth year of "Will."
 the reign of King Charles the Second, intituled "An Act for
 taking away the Court of Wards, and liveries and tenures *in*
capite, and by knights' service and purveyance, and for settling
 a revenue upon His Majesty in lieu thereof," and to any other
 testamentary disposition;

The term "real estate" shall extend to messuages, lands, "Real estate.
 rents, and hereditaments, whether freehold or of any other tenure,
 and whether corporeal incorporeal or personal, and to any
 undivided share thereof, and to any estate, right, or interest,
 (other than a chattel interest) therein;

The term "personal estate" shall extend to leasehold estates "Personal es-
 and other chattels real, and also to moneys, shares of government tate."
 and

and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever, which by law devolves upon the executor or administrator, and to any share or interest therein;

“Person.”

“Testator.”

The term “person” and also the term “testator,” shall include a married woman;

“Mortgage.”

Imp. 30 and 31
V., c. 69, s. 2.

The term “mortgage” shall include any lien for unpaid purchase money, and any charge, encumbrance, or obligation of any nature whatever upon any lands or tenements of a testator or intestate.

Power to dis-
pose of all
property:

Imp. 1 V., c.
26, s. 3.

Par autre vie.

Contingent
interests.

Rights of
entry.

Property ac-
quired after
the will.

5. Every person may devise, bequeath, or dispose of by will, executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon his heir at law, or upon his executor or administrator; and the power hereby given shall extend to estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or incorporeal hereditament; and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same may respectively become vested, and whether he may be entitled thereto under the instrument by which the same were respectively created, or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken and other rights of entry, and also to such of the same estates, interests and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

Wills by in-
fants invalid.
Imp. 1 V., c.
26, s. 7.

Execution.
Imp. 1 V., c.
26, s. 9.

Attestation.

Signature.
Imp. 15 & 16
V., c. 24, s. 1.

6. No will made by any person under the age of twenty-one years shall be valid.

7. No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses, present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator; but no form of attestation shall be necessary: Provided always, that every will, so far only as regards the position of the signature of the testator, or of the person signing for him as aforesaid, shall be deemed to be valid, within the meaning of this Act, if the signature shall be so placed at, or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such signature to the writing signed as his will; and that no such will shall

shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause, or the clause of attestation, or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side, or page, or other portion of the paper or papers containing the will, whereon no clause or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the proviso; but no signature under this Act shall be operative to give effect to any disposition or direction which is underneath, or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

8. No appointment made by will, in exercise of any power, shall be valid, unless the same shall be executed in manner hereinbefore required; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Appointments,
how to be
exercised.
1 Vic., c. 26,
s. 10.

9. Any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

Wills of perso-
nality of soldi-
ers and sailors.
Imp. 1 V., c.
26, s. 11.

10. Every will executed in manner hereinbefore required, shall be valid without any other publication thereof.

Publication
unnecessary.
Imp. 1 V., c.
26, s. 13.

11. If any person who shall attest the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid

Will not
invalid if
witness
interested.
Imp. 1 V., c.
26, s. 14.

12. If any person shall attest the execution of any will, to whom, or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or of the wife or husband of such person, or any

Gifts, &c., to
witness
invalid.
Imp. 1 V., c.
26, s. 15.

any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

Creditors
competent
witnesses.
Imp. 1 V., c.
26, s. 16.

13. In case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor whose debt is so charged, shall attest the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

Executor
competent
witness.
Imp. 1 V., c.
26, s. 17.

14. No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

Revocation by
marriage.
Imp. 1 V., c.
26, s. 18;
32 V., c. 8, s. 3;
and 36 V., c.
15, s. 3 (Ont.)

15. Every will shall be revoked by the marriage of the testator, except a will made in the exercise of a power of appointment when the real or personal estate thereby appointed would not, in default of such appointment, pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin under the Statute of Distributions.

No revocation
by change in
circumstances.
Imp. 1 V., c.
26, s. 19,
and 32 V., c.
8, s. 4 (Ont.)

16. No will shall be revoked by any presumption of an intention, on the ground of an alteration in circumstances.

How only will
can be re-
voked.
Imp. 1 V., c.
26, s. 20,
and 32 V., c.
8, s. 5 (Ont.)

17. No will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Obliterations,
Interlinea-
tions, &c.
Imp. 1 V., c.
26, s. 21.

18. No obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of, or opposite to, a memorandum referring to such alteration, and written at the end or some other part of the will.

Revival.
Imp. 1 V., c.
26, s. 22.

19. No will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution

execution thereof, or by a codicil executed in manner herein-before required, and shewing an intention to revive the same; and when any will or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shewn.

20. No conveyance or other act made or done subsequently to the execution of a will, of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate, or interest in such real or personal estate, as the testator shall have power to dispose of by will at the time of his death.

No act as to property named in the will to prevent operation of the will as to any interest left in testator. Imp. 1 V., c. 26, s. 23, and 32 V., c. 8, s. 2 (Ont.)

21. Every will shall be construed, with reference to the real and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

Will to speak from death. Imp. 1 V., c. 26, s. 24, and 32 V., c. 8, s. 1 (Ont.)

22. Unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

Lapsed devise to sink into residuary devise. Imp. 1 V., c. 26, s. 25.

23. A devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a leasehold estate, if the testator had no freehold estate which could be described by it, shall be construed to include the leasehold estates of the testator or his leasehold estate or any of them to which such description shall extend (as the case may be), as well as freehold estates, unless a contrary intention shall appear by the will.

Leaseholds, when may pass under a general devise. Imp. 1 V., c. 26, s. 26.

24. A general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint

General gift to include realty and personality over which testator has power to appoint. Imp. 1 V., c. 26, s. 27.

point in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

General devise to pass whole estate in the land devised.
Imp. 1 V., c. 26, s. 28.
Con. Stat., c. 82, s. 12.

25. Where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will.

Import of words "die without issue," or to that effect.
Imp. 1 V., c. 26, s. 29.

26. In any devise or bequest of real or personal estate, the words, "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail or of a preceding gift, being without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: Provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

Proviso.

When devise to trustee or executor shall pass whole estate of testator
Imp. 1 V., c. 26, s. 30.

27. Where any real estate shall be devised to a trustee or executor, such devise shall be construed to pass the fee simple, or other the whole estate, or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication.

When devise to a trustee shall pass the whole estate beyond what is requisite for the trust.
Imp. 1 V., c. 26, s. 31.

28. Where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

When devises of estates tail shall not lapse.
Imp. 1 V., c. 26, s. 32.

29. Where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but

but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

30. Where any person being a child or other issue of the testator, to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator, leaving issue, and any of the issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Gifts to issue who leave issue on testator's death, shall not lapse. Imp. 1 V., c. 26, s. 33.

31. When any person shall, after the passing of this Act, die seized of or entitled to any estate or interest in any real estate, which shall, at the time of his death, be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed or other document, have signified any contrary or other intention, the heir or devisee to whom such real estate shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate, or any other real estate of such person; but the real estate so charged shall as between the different persons claiming through or under the deceased person be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof according to its value bearing a proportionate part of the mortgage debts charged on the whole thereof: Provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such real estate to obtain full payment or satisfaction of his mortgage debts, either out of the personal estate of the person so dying as aforesaid, or otherwise; Provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed, or document made before the passing of this Act.

Mortgage debts to be primarily chargeable on the lands. Imp. 17 and 18 V., c. 113, and 29 V., c. 28, s. 33 (Ont.).

Proviso.

32. In the construction of any will or deed or other document to which the next preceding section of this Act relates, a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule established by the said section, unless such contrary or other intention shall be further declared by words expressly, or by necessary implication referring to all or some of the testator's debts or debt charged by way of mortgage on any part of his real estate.

Consequence of direction that testator's debts be paid out of personality. Imp. 30 and 31 V., c. 69, s. 1, and 35 V., c. 15, s. 1 (Ont.)

33. Where by any will which shall come into operation after the passing of this Act the testator shall have charged his real estate or any specific portion thereof, with the payment of his

Devisee in trust may raise money by sale or mortgage to satisfy charges

notwithstanding want of express power in the will.

Imp. 22 and 23 V., c. 35, s. 14, and 29 V., c. 28, s. 13 (Can.)

his debts or with the payment of any legacy or other specific sum of money and shall have devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein and shall not have made any express provision for the raising of such debt, legacy or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust, notwithstanding any trusts actually declared by the testator to raise such debt, legacy or money as aforesaid by a sale and absolute disposition, by public auction or private contract of the said real estate or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other, and any deed or deeds of mortgage so executed may reserve such rate of interest and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Power given by last section extended to survivors, devisees, &c.
Imp. 22 and 23 V., c. 35, s. 15, and 29 V., c. 28, s. 16 (Can.)

34. The powers conferred by the last section shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent or devise or to any person or persons who may be appointed under any power in the will or by the Court of Chancery to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Executor to have power of raising money where there is no sufficient devise.
Imp. 22 and 23 V., c. 35, s. 16, and 29 V., c. 28, s. 15 (Can.)

35. If any testator who shall have created such a charge as is described in the thirty-third section shall not have devised the real estate charged as aforesaid in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being named in the will (if any) shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said real estate; and such powers shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall for the time being be vested; but any sale or mortgage under this Act shall operate only on the estate, and interest whether legal or equitable, of the testator, and shall not render it unnecessary to get in any outstanding subsisting legal estate.

Purchasers, &c., not bound to inquire as to exercise of powers.

Imp. 22 and 23 V., c. 35, s. 17, and 29 V., c. 28, s. 16 (Can.)

36. Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by sections thirty-three, thirty-four and thirty-five of this Act or either of them shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Sections 33, 34, 35, 36 not to affect certain sales nor to extend to devisees in fee or in tail.
Imp. 22 and 23 V., c. 35, s. 18, and 29 V., c. 23, s. 17 (Can.)

37. The provisions contained in sections thirty-three, thirty-four, thirty-five and thirty-six, shall not in any way prejudice or affect any sale or mortgage already made or hereafter to be made under or in pursuance of any will coming into operation before the passing of this Act; but the validity of any such sale or mortgage shall be ascertained and determined in all respects as if this Act had not been passed; and the said several sections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts

debts or legacies, nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

38. Whenever, after the passing of this Act, there shall be in any will or codicil of any deceased person, whether such will be made, or such person shall have died, or shall die before or after the passing of this Act, any direction whether express or implied, to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute and carry the same into effect, the executor or executors (if any) named in such will or codicil shall and may execute and carry into effect every such direction to sell, dispose of, appoint, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if the executor or executors of the testator were appointed by the testator to execute and carry the same into effect.

Powers of sale, &c., may be exercised by executor, when none other named to exercise.

39. In every case where any person applies to be appointed an administrator with the will annexed, he shall in his application state, and in his affidavit of the value of the property devolving shall depose to the value or probable value of all the real estate over which, or over any estate in which, the executor or executors named in the will or codicil were by the said will or codicil clothed with any power of disposition, or which real estate, in case of no executor being appointed, was by the will or codicil directed to be disposed of, without any person being appointed to effect such disposition; and in every such case the bond to be given by such person upon his obtaining a grant of administration with the said will annexed, shall, as respects the amount of the penalty of the bond, and the justification of the sureties, include the amount of the value, or probable value so stated and deposed to; and the condition of the bond, in addition to the other provisions thereof, shall provide that the administrator shall well and truly pay over and account for to the person or persons entitled to the same, all moneys and assets to be received by him for or in consequence of the exercise by him of any power over real estate created by the will or codicil, and which may be exercised by him.

Applicant for administration with the will annexed to depose to value of the realty. 33 V., c. 18, s. 1 (Ont.)

Condition of the bond, and justification of sureties.

40. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to any executor or executors in such will to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and whenever, from any cause, letters of administration, with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given, or shall hereafter give, the additional security in the next preceding

Administrator with will annexed may execute powers of sale, etc. 33 V., c. 18, s. 2 (Ont.)

ing section mentioned (which additional security the Judge of the Surrogate Court is authorized to receive), such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect for all purposes as the said executor or executors might have done.

Administrator with will annexed may execute powers of sale, etc., where the will names none to execute.
33 V., c. 18,
s. 3 (Ont.).

41. Whenever, after the passing of this Act, there shall be in any will or codicil thereto of any deceased person, whether such will be made or such person shall have died before or after the passing of this Act, any power to sell, dispose of, appoint, mortgage, encumber, or lease any real estate, or any estate or interest therein, whether such power be express, or arise by implication, and no person shall be by the said will, or some codicil thereto, or otherwise by the testator appointed to execute such power, and letters of administration with such will annexed, shall have been by a court of competent jurisdiction in Ontario committed to any person, and such person has given or shall hereafter give the additional security before mentioned, (which additional security the Judge of the Surrogate Court is authorized to receive,) such person shall and may exercise every such power, and sell, dispose of, appoint, mortgage, encumber, or lease such real estate, and any estate or interest therein, in as full, large, and ample a manner, and with the same legal effect, as if such last named person were appointed by the testator to execute such power.

When executor or administrator may convey in pursuance of contract of deceased.
33 V., c. 18,
s. 4 (Ont.)

42. Whenever any person shall have entered into a contract in writing for the sale and conveyance of real estate, or of any estate or interest therein, and such person shall have died intestate, or without providing by will for the conveyance of such real estate or estate, or interest therein, to the person entitled, or to become entitled to such conveyance under such contract, then, whenever, upon the supposition of the deceased being alive, he would be liable to execute a conveyance, the executor, administrator, or administrator with the will annexed, (as the case may be,) of such deceased person, may and shall make and give to the person entitled to the same a good and sufficient conveyance or conveyances for such estates, and of such nature as the said deceased, if living, would be liable to give, but without covenants, except as against the acts of the grantor; which conveyances shall be as valid and effectual as if the said deceased were alive at the time of the making thereof, and had executed the same, but shall not have any further validity.

Duties and liabilities of an executor and administrator acting under the powers in this Act.
33 V., c. 18,
s. 5 (Ont.)

43. Every executor, administrator, and administrator with the will annexed, shall, as respects the additional powers vested in him by this Act, and any money or assets by him received in consequence of the exercise of such powers, be subject to all the liabilities, and compellable to discharge all the duties of whatsoever kind, which, as respects the acts to be done by him

him under such powers, would have been imposed upon an executor or other person appointed by the testator to execute the same, or in case of there being no such executor or person, would have been imposed by law upon any person appointed by law, or by any court or judge of competent jurisdiction to execute such powers.

44. Where there are several executors, administrators, or administrators with the will annexed, and one or more of them dies, the powers hereby created shall vest in the survivor or survivors.

Powers given by this Act to two or more to survive.
33 V., c. 18, s. 6 (Ont.)

45. After the grant of administration with the will annexed by any court of competent jurisdiction in Ontario, no executor named in the said will shall execute any of the powers contained in the will, and of the nature above mentioned, unless such letters of administration be first revoked.

After administrator appointed, no executor to execute powers.
33 V., c. 18, s. 7 (Ont.)

46. The Acts described in the Schedule to this Act are, except so far as the same relate to any wills to which this Act does not extend, repealed to the extent in the third column of the said Schedule mentioned; but such repeal shall not revive any Act or provision of law repealed by them, nor shall the said repeal prevent the application of any of the said Acts, or of any Act or provision of laws formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

Acts repealed.

SCHEDULE.

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
32 Hen. 8, cap. 1 (Imperial Act).	The Act of Wills, Wards and Primer Seizins, whereby a man may devise two parts of his land.	The whole Act.
34 & 35 Hen. 8, cap. 5 (Imperial Act).	The Bill concerning the explanation of Wills.	The whole Act.
29 Car. 2, cap. 3 (Imperial Act).	An Act for the prevention of frauds and perjuries.	Sections 5, 6, 12, 19, 20, 21 and 22.
4 & 5 Anne, cap. 16 (Imperial Act).	An Act for the amendment of the law and the better advancement of justice.	Section 14.
		ACTS

ACTS REPEALED.	TITLE OF ACTS REPEALED.	EXTENT OF REPEAL.
14 Geo. 2, cap. 20 (Imperial Act).	An Act to amend the law concerning Common Recoveries, and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled, "An Act for the prevention of Frauds and Perjuries."	Section 9.
25 Geo. 2, cap. 6 (Imperial Act).	An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of Wills and Codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America.	The whole Act.
Con. Stat. U. C., cap. 73.	An Act respecting certain separate rights of married women.	Section 16.
Con. Stat. U. C., cap. 82.	An Act respecting real property.	Sections 11, 12 and 13.
29 Vic, cap. 28, (Province of Canada).	An Act respecting the Law of Property and Trusts.	Sections 13, 14, 15, 16, 17 and 33.
32 Vic., cap. 8 (Ontario).	An Act to amend the law as to Wills.	The whole Act.
33 Vic., cap. 18 (Ontario).	An Act to amend the law respecting the powers of Executors and Administrators.	The whole Act.
35 Vic., cap. 15 (Ontario).	An Act further to amend the law relating to Property and Trusts.	The whole Act.

CAP. XXI.

An Act respecting the Administration of Estates of Intestates, in which the Crown is interested.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So often as the Lieutenant-Governor, by a warrant under his privy seal, shall be pleased to direct Her Majesty's Attorney-General for the Province of Ontario for the time being to apply for and obtain letters of administration (whether general or limited) of the personal estate and effects of any person dying intestate, or intestate as to some part of his estate, where, in respect of the interest of Her Majesty in such estate and effects, such administration may be rightfully granted to a nominee of Her Majesty, it shall be lawful for any competent court in this Province, upon application, in pursuance of such warrant, to grant, by the name of office of such Attorney-General, administration accordingly to the said Attorney-General, and his successors in the office of Attorney-General for Ontario, for the use and benefit of Her Majesty.

At the instance of Lieutenant-Governor, administration may issue to the Attorney-General in cases where nominee of the Crown entitled to administer.

2. In every such case, the administration so granted, and the office of administrator under the grant, with all the estates, rights, duties, and liabilities of such administrator, shall, upon the death, resignation, or removal of the Attorney-General for Ontario for the time being, devolve upon and become vested and continue in the succeeding Attorney-General, by virtue of his appointment, and so in perpetual succession, without any further grant of administration, or any assignment or transfer of the estates of the administrator; and all actions, suits, informations, and other proceedings whatever at law or in equity, by or against the Attorney-General for the time being, as such administrator at the time of his death, resignation, or removal, shall continue, and may be proceeded with, by, in favour of, and against the succeeding Attorney-General, in like manner, saving always, the effect of every limitation in duration or otherwise under the terms of the grant of any such administration, and saving to every Court having jurisdiction in this behalf all such right and authority to revoke or repeal any such administration as such Court would have had during the continuance of a like administration granted to a nominee of Her Majesty in case this Act had not been passed.

Rights and liabilities, etc., of the Attorney-General as administrator to vest in his successors.

Power to revoke administration.

3. It shall not be necessary for the said Attorney-General for the time being applying for or obtaining grants of administration, to the use or benefit of Her Majesty, to enter into, or cause to be entered into, any bond to the Judge of the Surrogate

Security for due administration dispensed with.

gate

Liability of
Attorney-Ge-
neral to be as
in condition of
the bond.

gate Court, commonly called an administration bond; but the Attorney-General for Ontario for the time being shall, in relation to every such administration, be subject to all the liabilities and duties imposed on an administrator by the condition of the bond*prescribed by the rules and orders made under the Surrogate Courts Act.

CAP. XXII.

An Act for the protection of persons improving Land under a Mistake of Title.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Persons im-
proving lands
to have a lien^d
on the lands.

1. In every case in which any person has made, or may make, lasting improvements on any land under the belief that the land was his own, he or his assigns shall be entitled to a lien upon the same to the extent of the amount by which the value of such land is enhanced by such improvement.

CAP. XXIII.

An Act to amend the Acts respecting the Registration of Co-partnerships, and of other business firms.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

35 V., c. 18, s.
10 repealed.

1. Section ten of the Act intituled "An Act to further provide for the registration of co-partnerships, and of other business firms, passed in the thirty-fifth year of the reign of Her Majesty, and chaptered eighteen, is hereby repealed, and the following substituted in lieu thereof:—

Declarations,
how to be en-
tered by regis-
trars.

10. It shall be the duty of the Registrar to enter each declaration received by him under the provisions of this Act in the book provided for by section five of the said Act; and he shall enter such declarations, and the declarations of co-partnership received by him under the provisions of the "Registration of Co-partnerships Act of 1869," in the same order as the same are received.

Declarations
not heretofore
entered.

2. It shall be the duty of the Registrar forthwith to enter in the said book, all such declarations (if any) which have not been already entered therein.

3.

3. The Registrar shall be, and shall be held to have been, from the second day of March, one thousand eight hundred and seventy-two, entitled to charge the like fees in respect of declarations filed under the Act hereby amended, as he is entitled to charge in respect of declarations filed under the "Registration of Co-partnerships Act, 1869."

Fees to Registrars.

4. Upon the dissolution of any partnership, any or all of the persons who composed such partnership may sign a declaration certifying the dissolution of the partnership: such declaration may be in the form of the schedule hereto; and the Registrar shall upon payment of the like fees, register every such declaration delivered to him in the same book and in the same manner as it is his duty to register declarations made under the said Acts, and he shall also enter every such declaration in the "Firm Index Book."

Declaration of dissolutions of partnership may be registered.

5. In cases where a partnership or person within the provisions of the said hereinbefore mentioned Acts, has omitted to register in accordance therewith, such partnership or person may so register at any time within three months after the passing of this Act, and shall not be liable to any penalty for not having previously registered, unless an action shall be now pending, or be commenced before such registration takes place.

Time for registration of partnerships extended.

SCHEDULE.

Province of Ontario, } I,
County of } formerly a member of the firm carrying
at } on business as
the style of } , in the County of } , under
partnership was on the } , do hereby certify that the said
day of } , dissolved.

Witness my hand, at } , the } day of
} , one thousand eight hundred and

CAP. XXIV.

An Act to amend the Act respecting Master and Servant.

[Assented to 29th March, 1873.]

WHEREAS it is expedient to provide for the enforcement of agreements made without Ontario for the performance of service therein, and for that purpose to amend chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Master and Servant":

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreements made out of Ontario for the performance of service therein may be enforced in Ontario.

1. In case any written agreement or bargain is made out of Ontario for the performance of any duties or service within Ontario, which agreement or bargain, if it had been made within Ontario, could have been enforced therein under the provisions of the said Act, or of the Acts amending the same, or in respect of which agreement or bargain any proceedings might in such case have been had or taken under the said Acts, then such written agreement or bargain made as aforesaid without Ontario may be enforced in like manner, and the like proceedings may be had in respect thereof, upon the parties thereto being or coming within this Province, as if such agreement had been made within Ontario.

CAP. XXV.

An Act to facilitate agreements between Masters and Workmen for participation in profits.

[Assented to 29th March, 1873.]

WHEREAS agreements between masters and workmen and others for some participation in the profits of the business they are engaged in, without thereby becoming partners, would be productive of mutual benefit;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreements by which workmen, &c., may share in the profits of the business.

1. It shall be lawful in any trade, calling, business, or employment, for an agreement to be entered into between the workman, servant, or other person employed, and the master or employer, by which agreement a defined share in the annual or other net profits or proceeds of the trade or business carried on by such master or employer, may be allotted and paid to such workman, servant, or person employed, in lieu of or in addition to his salary, wages, or other remuneration, and such agreement shall not create any relation in the nature of partnership, or any rights or liabilities of co-partners, any rule of law to the contrary notwithstanding: and any person in whose favour such agreement is made, shall have no right to examine into the accounts, or interfere in any way in the management or concerns of the trade, calling, or business in which he may be employed under the said agreement or otherwise; and any periodical or other statement or return by the employer, of the net profits or proceeds of the said trade, calling, business, or employment, on which he declares and appropriates the share of profits payable under the said agreement, shall be final and conclusive between the parties thereto and all persons claiming under them respectively

tively, and shall not be impeachable upon any ground whatever.

2. Every agreement of the nature mentioned in the last preceding section, shall be deemed to be within the provisions of this Act, unless it purports to be excepted therefrom, or this may otherwise be inferred.

CAP. XXVI.

An Act to facilitate the adjustment of disputes between Masters and Workmen.

[Assented to 29th March, 1873.]

WHEREAS it is expedient to facilitate the adjustment of disputes between Masters and Workmen in an equitable and conciliatory manner :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If any number of masters and workmen, in any particular trade occupation or employment, being inhabitant within any city, town, township or village in this Province, and who, being a master in such trade, is engaged in carrying on the same within any such place, at the time of filing the memorandum hereinafter mentioned, and being a workman, shall be working at his trade or calling, within any such place, at the time aforesaid, shall, at a meeting specially convened for that purpose, agree to form a Board for the friendly settlement of differences between such masters and workmen, and shall jointly sign a memorandum, according to the form in Schedule A. to this Act, or to a similar effect, whereby it is mutually agreed to establish such Board, and which shall hold, have and exercise all the powers granted to arbitrators under the provisions of the Common Law Procedure Act, and in such memorandum shall set forth the number of the Board and also the names, occupation and residence of the signers of such memorandum, and upon the filing of such memorandum, with affidavits verifying the signatures thereto, in the Registry Office of the County or Riding within which such masters and workmen reside, such Board shall be deemed to be lawfully established; and the said Registrar shall retain the said memorandum and enter a copy of the same in a book to be kept for that purpose; for which and the filing of the said memorandum he shall be entitled to receive the sum of two dollars and no more; and no defect in the form of said memorandum, or in the filing and registration thereof shall invalidate the efficiency of any of the proceedings to be taken thereunder under the provisions of this Act.

Board, how
composed.

2. The said Board shall consist of not less than two masters and two workmen, nor more than ten masters and ten workmen and a chairman, the number to constitute the said Board other than the chairman being inserted in the memorandum; but no member of the Board shall adjudicate in any case in which he or any relation of his is one of the parties.

Appointment
of Board.

3. The persons who have signed the said memorandum are hereby authorized to proceed to the appointment of such Board within sixty days after the registry of said memorandum, the masters appointing their portion of the Board from among themselves, and the workmen their portion from among themselves; and the said Board shall remain in office until the appointment of a new Board in its stead.

Powers of the
Board.

4. The Board shall have power to appoint their own chairman and two clerks, one for the masters and the other for the workmen's portion thereof; and shall have power to hear and determine all questions of dispute and differences between the masters and workmen, being signers of the said memorandum, or who may at any time become parties thereto, by a written notice to the chairman or clerks of such Board, which disputes and differences may be submitted to them by both parties in difference; and shall have, hold and exercise, all the power and authority granted to arbitrators by and under the hereinbefore mentioned enactment; and any award the said Board may make in any case of disputes or differences so submitted to them shall be final and conclusive between the parties thereto, without being subject to review or challenge by any court or authority whatsoever; such award may be enforced upon summary application to the Judge of the County Court of the county in which such Board is formed; which Judge is hereby authorized to enforce such award by the order or rule of said court and process of execution to be issued thereupon; and any award, in writing, under the hand of the chairman of the Board, shall be deemed sufficient evidence of the validity of such award to authorize such proceedings of said Judge; but nothing in this Act contained shall authorize the said Board to establish a rate of wages or price of labour or workmanship, at which the workmen shall in future be paid.

Award.

Enforcing
award.

Quorum.

5. A quorum of not less than three (one being a master, and another a workman, and the third the chairman,) may constitute a board for the hearing and adjudication of cases of dispute, and may accordingly make their award; but a committee of the Board, to be denominated the Committee of Reconciliation, shall be appointed by the Board, consisting of one master and one workman, who shall sit at such times as shall be appointed, and be renewed from time to time as occasion may require; and all cases or questions of dispute which shall be submitted to the Board by both parties thereto shall in the first instance be referred to the said committee, who shall en-
deavour

Committee of
reconciliation.

deavour to reconcile the parties in difference ; when such reconciliation shall not be effected, the matter in dispute shall be remitted to the Board to be disposed of as a contested matter.

6. The chairman of the Board shall be some person unconnected with trade, and shall preside at the meetings of the Board, and shall be appointed at the first meeting. When the votes of the Board shall be equal, the chairman for the time being is to have the casting vote. Chairman.

7. No counsel, solicitor, or attorney is to be allowed to attend on any hearing before the Board, or the Committee of Reconciliation, unless consented to by both parties. When parties may employ counsel.

8. On the first Monday in November in the year after the appointment of the first Board, and on the first Monday in November in each succeeding year, a Board and chairman shall be appointed, who shall remain in office until the appointment of a new Board, and in case of vacancies arising betwixt the fixed days of election in each year, caused by the death or removal of any member of the Board, or of the chairman, an election shall take place within fourteen days, and another member be elected to fill up the said vacancy from the class to which he may belong, or a chairman be appointed, as the case may be, and the member or chairman so elected shall serve the remainder of the year. Duration of Board.
Vacancies.

9. For the purposes of this Act, each person being twenty-one years of age, belonging to the particular trade to which the registered memorandum applies, and being a master is engaged in carrying on the said trade within the limits of the city, town, township, or village wherein such Board, is formed, for three calendar months previous to the first day of November in any one year, and being a workman has been working at his said trade for a like period within the same limits, and is such workman, after the regular service of the apprenticeship required in such trade or calling, and who shall have signed said memorandum, or shall have given notice to the chairman or clerks of his assent thereto, shall be entitled to be registered as a voter for the election of the Board, and shall be qualified to be elected a member of such Board, but the masters shall appoint their own portion of the Board and the workmen their portion of the Board. Qualification of Voters.

10. The clerk of each division of the Board shall respectively keep a register of every person claiming to have his name inscribed on the register as a voter for the Board, as master or workman respectively and distinct from each other ; the said register to contain the name and abode of each person engaged in the particular trade or occupation set forth in the said registered memorandum ; and the said clerk shall, upon payment of a fee of ten cents made to him, register the same immediately, or be liable

to

to be fined for neglect, the said fine to be applied to the funds of the said Board, and the Board is hereby empowered to fix and determine the amount of such, but not to exceed the sum of five dollars: Provided that in case it shall appear to the masters' or workmen's division of the Board respectively that any person ought not to be so registered as master or workman respectively, such division shall order the name of such person to be struck off such register.

Returning
Officers.

Elections.

11. The clerk of each division of the Board shall be the returning officer, and for the election of the masters' and workmen's portion thereof respectively, he shall convene meetings of masters and meetings of workmen respectively by advertisement or circular notice fourteen clear days previous to the first day of November; and each class shall at such meetings proceed to nominate and elect members to the board for the year next ensuing; the votes to be taken by show of hands or division of members, and in such place as each division of the Board may respectively authorize, and such clerk shall declare to the said meeting the names of the candidates who are elected, and the same shall be final and conclusive.

Declaration of
elections.

12. Such clerk shall, within seven days after the day of nomination, declare the number of votes given to each candidate, and those having received the largest number of votes shall be declared duly elected.

Fees, by-laws,
officers, &c.

13. Every Board constituted under this Act shall from time to time make out a list of fees which shall be charged for any proceeding and other expenses under this Act; and shall appoint such officers as may be necessary, and make such by-laws, rules and regulations for their guidance, and for the taking and scrutiny of the votes given for the election of members of the Board; and also for the despatch of business, as they may deem necessary; such by-laws, rules, regulations and fees not being otherwise contrary to law.

Persons not
affected by
this Act.

14. This Act shall not be construed to extend to domestic servants, or servants in husbandry.

Short title.

15. In citing this Act for any purpose whatever, it shall be sufficient to use the expression, "The Trades Arbitration Act, 1873."

SCHEDULE A.

(Section 1.)

Memorandum of agreement between the undersigned masters and workmen engaged in the trade, employment or occupation of _____ at the _____ of _____ in the County of _____, under "The Trades Arbitration

tration Act, 1873," whereby the undersigned mutually agree to establish a Board for the settlement of differences between us under the said Act.

Such Board shall (besides the Chairman) consist of
masters and the like number of workmen.

The names, occupation and residence of the undersigned masters are as follows:—

NAMES.	OCCUPATION.	RESIDENCE.

The names, occupation and residence of the undersigned workmen are as follows:—

NAMES.	OCCUPATION.	RESIDENCE.

Dated the day of , A.D. 18 .

Witness.

(Signatures.)

CAP. XXVII.

An Act to establish Liens in favour of Mechanics, Machinists and others.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every mechanic, machinist, builder, miner, contractor, and other person doing work upon, or furnishing materials to be used in the construction, alteration or repair of any building or erection, or erecting, furnishing or placing machinery of any kind, in, upon, or in connection with any building, erection, or mine at the instance or request of the owner thereof, and upon credit given to him, shall have a lien or charge, unless there is an express agreement to the contrary, for the price or value of such

Liens of mechanics and others upon buildings and land

such work, materials or machinery upon such building or erection, and the land occupied thereby, and usually enjoyed therewith, subject to the provisions of this Act, and limited to the estate or interest in such land of the person at whose request, and upon whose credit such work is done, materials furnished, or machinery erected, and limited to such amount as shall be justly due to the person entitled to such lien.

Statement of claim to be registered.

2. No lien under this Act shall exist unless and until a statement of claim, in the form, or to the effect in Schedule A. to this Act, is filed in the registry office in the city, county or riding in which such land is situate, before or during the progress of the work aforesaid, or within one month from the completion thereof; or from the supplying or placing of the machinery aforesaid; such statement of claim shall be verified by the affidavit of the person entitled thereto, which may be sworn before any Commissioner for taking affidavits in the county, and shall state:

Affidavit of verification of claim.

(1.) The name and residence of the claimant and of the owner of the property to be charged, and of the person for whom and upon whose credit the work is done or materials or machinery furnished, and the time or period within which the same was, or was to be done or furnished;

(2.) The work done or materials or machinery furnished;

(3.) The sum claimed as due, or to become due;

(4.) The description of the land to be charged;

Registry Act.

And when so registered the person entitled to said lien shall be deemed a purchaser *pro tanto*, and within the provisions of the Registry Act.

Registration of claims.

3. The Registrar shall register such claim so that the same may appear as an incumbrance against the land therein described, upon payment of the fee of one dollar; and such lien shall be discharged by the registrar on receiving a certificate to that effect from the person entitled to said lien, and verified as required in cases of certificate of discharge of mortgage.

Discharge of registry.

Cesser of lien.

4. Such lien shall absolutely cease to exist within ninety days after such work shall have been completed, or materials or machinery furnished or the expiry of the period of credit, unless in the meantime proceedings shall have been instituted to realize such a claim under the provisions hereinafter contained, and a certificate of *lis pendens* thereof, be registered in the proper registry office, which certificate may be granted by the Judge or Court before whom the proceedings are instituted.

When lien may be enforced in county or division court.

5. When the amount of such claim is within the jurisdiction of the county or division courts respectively, proceedings to recover the same, according to the usual procedure of the said court by judgment and execution, may be taken in the proper division court, or the county court of the county in which the land charged is situate; or proceedings may be taken before the judge

judge of the said courts who may proceed in a summary manner by summons and order, and may take accounts and make requisite enquiries, and in default of payment may direct the sale of the estate and interest charged at such time as the same can be sold under execution, and such further proceedings may be taken for the purpose aforesaid, as the said judge may think proper in his discretion, and any conveyance under his seal shall be effectual to pass the estate or interest sold; and the fees and costs in all proceedings, taken under this section, shall be such as are payable in respect of the like or similar matters, according to the ordinary procedure of the said courts respectively.

6. In other cases the lien may be realized in the Court of Chancery, according to the ordinary procedure of that court. When Court of Chancery may enforce lien.

7. The said Judge or court, in their discretion, may also direct the sale of any machinery and authorize its removal. The courts may order sale or removal.

8. After the registration, and during the continuance of any claim, no portion of the property affected thereby, or the machinery therein, shall be removed to the prejudice of such lien; and any attempt at such removal may be restrained by application to the county court or the judge thereof, or the Court of Chancery, respectively, and according as the amount of claim is under or over the sum of two hundred dollars. The subject matter of the lien not to be removed.

9. Upon application to the county court or the judge thereof, in claims under two hundred dollars, and to the Court of Chancery in other cases, such Judge or court may receive security or payment into court in lieu of the amount of such claim, and may thereupon vacate the registry of such lien, or upon any other ground, if the said Judge or court shall think fit, annul said registry; and, in any of said cases, may, nevertheless, proceed to hear and determine the matter of the said lien, and to make such order as the Judge or court may think fit; and in case the person claiming to be entitled to such lien, shall have wrongfully refused to sign a certificate of discharge thereof, or shall, without just cause, claim a larger sum to be due than is found by such Judge or court, the Judge or court may order and adjudge him to pay to the other party such costs and any further sum not exceeding one-fifth of the amount of the original claim as the Judge or court may think fit to award. The courts may accept security or payment in lieu of amount of claim, or hear and vacate the lien. Costs.

10. In cases where the estate or interest charged by said lien is leasehold, the fee simple may also, with the consent of the owner thereof, be subject to said charge, provided such consent is testified by the signature of such owner upon the statement of claim at the time of the registering thereof, and duly verified When the lien is on a leasehold, the fee may be charged in certain cases.

11. All persons furnishing material to, or doing labour for the person claiming a lien under this Act, in respect of the subject of such lien, who shall notify the owner of the premises sought Persons having claims against the lien holders.

Disputes as to
claims against
lienholders.

to be affected thereby, within thirty days after such material is furnished or labour performed, of an unpaid account or demand against such lien holder, for such material or labour, shall be entitled to a charge therefor *pro rata* upon any amount payable by such owner under said lien, who shall thereupon pay the amount of such charge to such person furnishing material and doing labour as aforesaid, and such payment shall be deemed a satisfaction *pro tanto* of such lien; and in case of any dispute as to the validity or amount of such unpaid account or demand, the same shall be first determined by suit in the proper court in that behalf; and during the pending of such proceedings so much of the amount of the lien as is in question therein, may be withheld from the person registering his lien.

Several liens.

12. In all cases where there are several liens registered under this Act against the same property, the lien-holders shall rank *pari passu* for their several amounts, and the proceeds at any sale shall be distributed amongst them *pro rata*, and they shall respectively be entitled to execution for any balance due to them respectively after said distribution.

When materials used in the construction of buildings are not to be subject to execution.

13. Whenever any mechanic, artisan, machinist, builder, miner, contractor, or other person, shall have furnished or procured any materials for use in the construction, alteration or repair of any building, erection or mine at the request of and for some other person, such materials shall not be subject to execution, or other process, to enforce any debt, other than for the purchase thereof, due by the person furnishing or procuring such materials, and whether the same be or not, in whole or in part, worked into, or made part of, such building or erection.

Short title.

14. This Act may be cited as "The Mechanics' Lien Act of 1873."

SCHEDULE A.

(Section 2.)

A. B., of _____ under "The Mechanics' Lien Act of 1873," claims a lien upon the estate or interest of C. D., of _____ in respect of the following work, (or materials), that is to say, _____ which work was (or is to be) done for the said C. D., on or before the _____ day of _____ (or materials furnished _____), the amount claimed as due or to become due, is the sum of _____ dollars.

The description of the land to be charged is the following:

Dated, at _____ this _____ day of _____ A.D. 18 _____

CAP. XXVIII.

An Act to continue the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty, respecting the Regulations of the Council of Public Instruction.

[Assented to 29th March, 1873.]

WHEREAS it is expedient to continue the Act hereinafter mentioned: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Act passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty, and intituled "An Act to make temporary provision as to the Regulations of the Council of Public Instruction," shall be and is hereby continued until the end of the next session of the Legislative Assembly, and no longer. 35 V., c. 30 continued until end of next session.

CAP. XXIX.

An Act respecting the University of Toronto.

[Assented to 29th March, 1873.]

WHEREAS it is expedient to amend the Act passed in the sixteenth year of the reign of Her Majesty Queen Victoria, chaptered eight-nine, relating to the University of Toronto, in order to promote the usefulness of the said University: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Corporation of the University of Toronto, shall hereafter consist of the Chancellor, Vice-Chancellor, and Members of the Senate and of Convocation for the time being. Corporation of the University, how composed.

2. The Senate shall consist of the Chancellor and twenty-four other Members, exclusive of *ex-officio* Members, of whom fifteen shall be elected by Convocation in manner hereinafter provided, and nine appointed by the Lieutenant-Governor of the Province, under his hand and seal at arms. Senate, how composed.

3. The persons filling the following offices for the time being, viz: the President of University College; the Chief Superintendent Ex-officio members of Senate.

dent of Education for this Province ; a representative appointed by the Law Society of Ontario ; the Principal of Upper Canada College ; a representative for the time being appointed by each college or school in this Province affiliated, or hereafter to be affiliated with the said University ; a representative for the time being elected by the High School Masters of Ontario, as hereinafter provided ; and all former Chancellors and Vice-Chancellors of the said University, shall respectively be *ex-officio* Members of the Senate ; and two members of the Council of University College shall also biennially in rotation become members of the Senate, and such rotation shall proceed by seniority until each Member of the Council has in turn become a Member of the Senate, and so successively, and in case the Member of the Council in rotation at any time is otherwise of the Senate, then the office shall fall to the next Member of the Council ; and the Registrar of the said College shall from time to time certify to the Registrar of the University, the Members of said Council who under this provision become Members of the Senate.

Election of
Chancellor.

4. The Chancellor of the said University shall be elected by the members of Convocation in the manner hereinafter mentioned ; Provided always, that the present Chancellor shall continue in office for the first term of three years after this Act shall come into effect.

Term of office
of Chancellor.

5. The office of Chancellor of the said University shall be a triennial one, that is to say, the term of office of each Chancellor shall expire on the election of his successor, in the year next but two after that in which he shall have been elected ; and the day on which the Chancellor (except the first Chancellor nominated in this Act,) shall be elected, shall be appointed by Statute of the Senate ; and the Members of the Convocation entitled to vote, shall on that day, of which notice shall be given in such a manner as shall be directed by Statute of the Senate, elect a fit and proper person to be Chancellor, and thereupon the term of office of the then Chancellor shall expire, and so from time to time triennially ; or in the case of the death, resignation or other vacancy in the office of any such Chancellor before the expiration of his term of office, then, at a special election to be holden for that purpose, of which election notice shall be given in such manner as shall be provided by Statute of the Senate, the Members of Convocation entitled to vote shall elect a Chancellor for the remainder of the term in which such death, resignation or other avoidance shall happen.

Vacancy in the
office of
Chancellor,
how filled.

First election
of members of
the senate.

6. The election of the first fifteen elective members of the Senate under this Act, shall be held in Toronto, on the eighth day of May, one thousand eight hundred and seventy-three. Immediately upon such election being held, the persons at present members of the Senate shall cease to be such members, except such of them as may be elected or appointed, or are *ex-officio* members of the Senate under this Act ; and the present Vice-

Vice-Chancellor shall continue in office for the residue of the term for which he has been elected.

7. The following Graduates of the University for the time being shall constitute the Convocation of the University, that is to say, all Doctors and Bachelors of Law, all Doctors and Bachelors of Medicine, all Masters in Surgery, all Masters of Arts, all Bachelors of Arts of three years standing, all Doctors of Science, and all Bachelors of Science of three years standing, and also all Graduates holding such other Degrees to be hereafter conferred by the University, as shall be recognized as qualifications for admission to Convocation in manner hereinafter provided.

Convocation of
the University

8. A register of the Graduates constituting for the time being the Convocation of the said University shall be kept by the Registrar of the University; and such register shall be conclusive evidence that any person whose name shall appear thereon at the time of his claiming to vote as a Member of Convocation is so entitled to vote, and that any person whose name shall not so appear is not so entitled to vote.

Register of
Graduates.

9. The Registrar of the University shall, at least one month previous to the time of any election under this Act, make out an alphabetical list or Register, to be called "The Election Register," of the names and known addresses of the members of Convocation, being Graduates of the University as aforesaid, who are entitled to vote at such succeeding election; and shall put up a copy of said register at the entrance hall annually after Convocation; and such register may be examined by any member of Convocation at all reasonable times at the office of the said Registrar; and no person whose name is not inserted in the said list shall be entitled to vote at such election; Provided always, that in case any member of Convocation complains to the said Registrar in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the said Registrar forthwith to examine into the said complaint and rectify such error if any there be; and it further shall be the duty of the Registrar to make out such list annually after commencement when degrees are conferred, and to put up copies thereof in the entrance hall of the University.

Election
Register.

Proviso.
Errors.

10. The votes at any election by Convocation shall be given for the Chancellor, and for the members of the Senate respectively by closed voting papers, in the form in schedule "A" of this Act, or to the like effect, being delivered to the Registrar of the University at such time and place, prior to the closing of such election, as may be prescribed by Statute of the Senate, and any voting papers received by the Registrar by post during the time of such election, or during the preceding week, shall be deemed as delivered to him for the purpose of such election.

How votes are
to be given.

11. It shall be the duty of the Registrar to send to each Graduate

List of voters
to be sent to
graduates.

duate of the University whose name is on the register or list of persons entitled to vote, where his residence is known to the Registrar, one copy of the form of voting paper in Schedule "A" of this Act applicable to the election or elections then next to be held; and such form shall be sent in such manner and at such time before the holding of such election as shall be directed by Statute of the Senate.

List of members of Senate to be sent with list of voters.

12. It shall be the duty of the said Registrar to send with the said form of voting paper a list of those persons then already Members of the Senate, and of those whose retirement has created the vacancies to be filled at the then ensuing election.

Opening voting papers.

13. The said voting papers shall, upon the appointed day of election, and at an hour to be stated by the Statute, be opened by the Registrar of the University in the presence of the Scrutineers to be appointed as hereinafter mentioned, who shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided by the Senate.

Election of Chancellor.

14. The person who shall have the highest number of votes at any election for Chancellor by voting papers in the form of Schedule "A" shall be Chancellor of the University for the term of office then next ensuing, or for the unexpired portion of the then current term as the case may be.

Election of members of senate.

15. The fifteen persons who shall have the highest number of votes for Members of the Senate by voting papers in the form of Schedule "A" shall be the fifteen elective members of the Senate of the said University.

Who may be present at opening of papers.

16. Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers.

Equality of votes.

17. In case of an equality of votes between two or more persons which leaves the election of the Chancellor, or of one or more Members of the Senate undecided, then the said scrutineers shall forthwith put into a ballot-box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each such candidate, and the Registrar of the University shall draw by chance from such ballot-box in the presence of the said scrutineers one of such papers in the election of Chancellor, and one or more of such papers in the case of the election of Members of the Senate, sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be respectively the Chancellor and such Members of the Senate.

Declaration of result of election.

18. Upon the completion of the counting of the votes and of the scrutiny, the Vice-Chancellor, or other person acting as and for him, shall forthwith declare the result of the election to the Senate of the University; and shall, as soon as conveniently may

may be, report the same in writing, signed by himself and by the Scrutineers, to the Senate and to the Secretary of the Province.

19. The Senate of the University, or in default, the Chancellor shall, at least two weeks previous to such election, appoint Appointment of scrutineers. two persons who, with the Vice-Chancellor, shall act as scrutineers at the next ensuing election; and the said Senate, or in default, the Chancellor, shall also, at the same time, appoint a Member of the Senate, who shall act for and as the Vice-Chancellor should he be absent from such election.

20. In the event of any elector placing more than one name on his voting paper for Chancellor, or more than the required number on his voting paper for Members of the Senate, the first name only shall be taken for Chancellor, and the first names only, not exceeding the required number, shall be taken for the Members of the Senate. Informal voting papers.

21. The Registrar of the University shall, at least one month before the eighth day of May in each year, obtain from the Education Office the names of the Head Master of each of the High Schools, and shall make a list of such names, and shall thereupon send a copy of such list to each of the said High School Masters, and request them to elect from amongst the names on such list a representative to the Senate of the University, who shall hold office for the term of two years, the first term beginning on the eighth day of May, one thousand eight hundred and seventy-three; and all the provisions of this Act with respect to the election of a Chancellor or member of the Senate, and as to filling vacancies and otherwise, shall be applicable to such representative. Election of representative of High Schools.

22. At the first meeting of the Senate, next after the first election of Members thereto, as provided in this Act, the Chancellor, Vice-Chancellor, or other presiding officer, shall put into a ballot-box fifteen papers with the names of the fifteen persons elected as members of the Senate, one name upon each paper; and the Registrar, or other officer to be appointed to act for him in his absence, shall draw by chance from such ballot-box, and in the presence of the Senate, the fifteen papers in succession, and the persons whose names are upon the first three papers so drawn, shall serve as members of the Senate for five years from the date of the election, and the persons whose names shall in like manner be drawn by the second series of three shall serve for four years, by the third series for three years, by the fourth series for two years, and the three remaining shall serve for one year from the date of the said election. Tenure of office of members of senate after first election.

23. After the first election of Members of the Senate, as directed by this Act, the vacancies in the Senate, by expiry of term of service, shall be three in each year; the rotation of retirement Vacancies, how filled.

retirement being first determined by ballot, as hereinbefore provided; and on such day in each year thereafter, as shall be appointed by Statute of Senate, three persons shall be elected by Convocation in manner aforesaid, to fill the vacancies thus arising, and to be Members of the Senate for the five years then next ensuing such election.

Powers of
Convocation.

24. The Convocation of the University shall have the powers following—that is to say, the power of electing the Chancellor and fifteen Members of the Senate in manner hereinbefore provided; the power of discussing any matter whatsoever relating to the University, and of declaring the opinion of Convocation in any such matter; the power of taking into consideration all questions affecting the well-being and prosperity of the University, and to make representations from time to time on such questions to the Senate of the said University, who shall consider the same and return to Convocation their conclusions thereon; the power of deciding upon the recognition, upon such terms as the Senate shall propose, of the affiliation of any College or School with the said University; the power of deciding upon the mode of conducting and registering the proceedings of Convocation; the power of appointing and removing the Clerk of Convocation, and of prescribing his duties; the power of requiring a fee to be paid by Members of Convocation as a condition of being placed on the register of members; and its members shall have the right to attend the annual Convocation for conferring degrees; Provided always, that except as in this Act expressly provided, Convocation shall not be entitled to interfere in or have any control over the affairs of the University.

Proviso.

Meetings of
Convocation.

25. Once at least in every year, and as often as they may think fit, the Senate shall convene a meeting of Convocation.

Extraordinary
meetings of
Convocation.

26. If twenty-five or more Members of Convocation shall, by writing under their hands, require the Chairman for the time being of Convocation, to be appointed as hereinafter prescribed, to convene an extraordinary meeting of Convocation, and such requisition shall express the object of the meeting required to be called, it shall be the duty of the said Chairman, if within a reasonable time, to convene such meeting of Convocation.

Proviso.

27. Provided always, that after the first of such extraordinary meetings, no such extraordinary meeting shall be convened in pursuance of the clause lastly hereinbefore contained until the expiration of three calendar months from the last of such extraordinary meetings; Provided also, that no matter shall be discussed at any such extraordinary meeting except the matter for the discussion whereof it was convened.

Place of meet-
ing.

28. The Senate shall provide a proper place for the meeting of Convocation, and the proceedings of any meeting of Convocation

cation shall be transmitted to the Senate at the next following meeting of the Senate.

29. Notice of the meeting of Convocation shall be given by advertisement, or in such other manner as the Senate shall from time to time determine. Notice of meetings.

30. The office of Chairman of Convocation shall be an office held for the term of three years, unless sooner determined by death, resignation or otherwise. The Chairman shall be eligible for re-election. At the first meeting of Convocation the members present shall elect a Chairman, and the Vice-Chancellor shall preside at such first meeting until such Chairman is elected. Within the year preceding the expiration of every term of the said office, or in case of the death or resignation of the Chairman, or any vacancy of the said office, the members of Convocation present at any meeting duly convened, or the major part of them, shall elect a Chairman who, if elected during the term of office of any Chairman, shall hold office three years after the expiration of the tenure of office of such Chairman, and if elected during a vacancy, then till the expiration of the third year after the commencement of the vacancy. If from any cause no Chairman is elected to succeed any Chairman for the time being, then such last mentioned Chairman shall continue in office until his successor is appointed. Chairman of Convocation.

31. If the Chairman shall be absent at the time of the meeting of Convocation, or if there shall be a vacancy in the office then, before proceeding to business, the Members of Convocation then present, or the major part of them, shall elect a Chairman, who shall hold office during such meeting only. Absence of Chairman.

32. All questions which shall come before Convocation shall be decided by the majority of the Members present, and the Chairman, at any meeting thereof, shall have a vote, and in case of equality of votes, a second or casting vote. Questions before Convocation how decided.

33. No question shall be decided at any meeting of Convocation unless thirty Members at least shall be present. Quorum.

34. Any meeting of Convocation shall have power to adjourn to a future day. Adjournments.

35. The Lieutenant-Governor of this Province may, at any time after the passing of this Act, appoint nine persons to be Members of the Senate of the said University, and thereupon the Secretary of the Province for the time being shall forthwith communicate the names of the persons so appointed to the Registrar of the University. Appointments by the Crown.

36. The nine persons so appointed by the Lieutenant-Governor shall retire in rotation by seniority, that is to say, the Crown Appointees, their term of office.

the first three named by the Lieutenant-Governor shall retire in three years from the date of their appointment, the second three in two years from such date, and the remaining three in one year from such date, and the vacancies in the Senate respectively created by such retirements in each year, shall from time to time be filled by appointment by the Lieutenant-Governor, the Members so appointed holding office for three years and retiring by rotation on expiry of the said term.

Retirement of Crown appointees to be notified to the registrar.

37. Whenever any such appointment shall be so made by the Lieutenant-Governor to fill vacancies whether on retirement by rotation, or from other cause arising, the Secretary of the Province for the time being shall forthwith communicate the names of the person so appointed to the Registrar of the University.

Provision when vacancies are not filled by Lieut. Governor.

38. If at any time by death or otherwise, the number of the said appointed Members of the Senate shall be reduced below the number of nine and shall so remain reduced for three months, then and in such case, and as often as the same shall happen, if the Lieutenant-Governor do not think proper to complete the said number by appointment, the Members of the Senate may at a meeting to be holden for that purpose, of which notice shall be given to the Provincial Secretary, and to the Members of the Senate in such manner as shall be provided by Statute of Senate, elect one or more fit and proper persons to be Members of the Senate in addition to the then remaining appointed Members thereof to the end, that by means of such election the number of nine appointed Members of the Senate may thus be completed; and such Members so elected to vacancies by the Senate shall hold office for the term or for the remainder of the term pertaining to each such vacancy respectively.

Vacancies how filled.

39. If at any time by death or resignation, or otherwise than by retirement by rotation, the number of the Members of the Senate elected thereto by Convocation, shall be reduced below the number of fifteen, then at the next ensuing annual election to be held as directed by section twenty-two of this Act, such additional persons shall be elected in manner therein provided, as may be necessary to complete the number of elected Members of the Senate to the number of fifteen.

Former Chancellors, etc., re-eligible for election.

40. At all elections to take place under this Act, all retiring Chancellors or Members of the Senate shall be re-eligible.

Degrees.

41. The said Chancellor, Vice-Chancellor, and Members of the Senate, shall have power to examine for, and after examination to confer in such mode, and on compliance by the Candidate with such conditions as they shall from time to time determine, the several or such as they shall think fit of the Degrees of Bachelor and Master of Arts, Bachelor and Doctor in Laws, Science, Medicine, and Music, and Master in Surgery, and Civil Engineer, Mining

Mining Engineer and Mechanical Engineer; and also to confer the several Degrees of Bachelor, Master and Doctor in any Departments of knowledge whatever, except Theology, as the said Chancellor, Vice-Chancellor and Members of the Senate by regulations in that behalf shall from time to time determine, and whether such Departments of knowledge shall or shall not include any portion of the Departments of knowledge for which Degrees in Arts, Laws, Science, Medicine and Music, or any of them, are authorized to be conferred by this Act; and such reasonable fees may be charged for in respect of such Examinations and Degrees respectively, or either of them as the said Chancellor, Vice-Chancellor and Members of the Senate shall by statute in that behalf from time to time direct.

42. The said Chancellor, Vice-Chancellor and Members of the Senate shall also have power to confer any of the said Degrees as *ad eundem* Degrees; but no Degree so conferred shall without the consent of Convocation in each case entitle the holder thereof to be or become a Member of Convocation. *Ad eundem degrees.*

43. The said Chancellor, Vice-Chancellor and Members of the Senate shall have power to examine for, and after examination to grant in such mode and on compliance by the Candidate with such conditions as they shall from time to time determine, Certificates of Proficiency in such branches of knowledge as the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time by regulations made in that behalf determine; and in addition to the Examination of Candidates for Degrees as hereinbefore provided, the said Chancellor, Vice-Chancellor, and Members of the Senate may cause to be held from time to time examination of persons including women, who shall have prosecuted the study of such branches of knowledge in Literature, Science or Art, and who shall be candidates for such certificates of proficiency as aforesaid, subject to such Regulations as by the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time be made in that behalf; and on every such examination the Candidates shall be examined by Examiners appointed by the said Chancellor, Vice-Chancellor and Members of the Senate; and at the conclusion of every examination of the Candidates the Examiners shall declare and certify to the Registrar of the University the name of every Candidate whom they shall have deemed to be qualified to receive any such Certificate, together with such particulars as the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time determine; and he or she shall, if otherwise approved by the said Chancellor, Vice-Chancellor and Members of the Senate, and if they shall think fit, receive from the said Chancellor a Certificate under the seal of the said University, and signed by the said Chancellor or by the Vice-Chancellor, in which the branch or branches of knowledge in respect of which he or she has been allowed by the said Chancellor, Vice-Chancellor and Members of the Senate to obtain the Certificate shall be stated, together with such other particulars, *Certificates of proficiency.* *Examinations.*

Fees.

particulars, if any, as the said Chancellor, Vice-Chancellor and Members of the Senate shall deem fitting to be stated therein ; and such reasonable fees may be charged for or in respect of such Examinations and Certificates of Proficiency respectively or either of them, as the said Chancellor, Vice-Chancellor and Members of the Senate shall by Statute in that behalf from time to time direct.

Examiner.

44. No Member of the Senate shall be eligible as an Examiner, and no Examiner shall be eligible for re-election more than four years consecutively.

Affiliation of Colleges, &c.

45. The Chancellor, Vice-Chancellor, and Members of the Senate may, with the approval of the Lieutenant-Governor in Council, from time to time, by statute in that behalf, prescribe that any College, School, or other Institution established in this Province for the promotion of Literature, Science or Art, or for instruction in Law, Medicine, Mechanical Science, Engineering, Agriculture or other useful branch of education, upon the application of such College, School or other Institution, shall be deemed to be affiliated with the said University for the purpose of admitting therefrom as Candidates at any of the respective Examinations for Standing, Scholarships, Honours, Degrees and Certificates which the said Chancellor, Vice-Chancellor, and Members of the Senate are authorized to confer, such persons as shall have respectively completed in such College, School or other Institution whilst affiliated with the said University, such course of instruction preliminary to any of the said respective examinations for Standing, Scholarships, Honours, Degrees and Certificates as the said Chancellor, Vice-Chancellor and Members of the Senate shall from time to time by regulation in that behalf determine; and the said Chancellor, Vice-Chancellor and Members of the Senate may with the like consent of the Lieutenant-Governor in Council remove any of such Institutions which shall be affiliated under this section, from its said connection with the said University: Provided also, that, excepting such Colleges, Schools or Institutions as are now in connection with the University under special applications heretofore made in that behalf, or as may become so, in conformity with the provisions in this section contained, and excepting University College, and the Schools of Law and Medicine in the eighteenth section of the Act in the recital hereof mentioned, no other College, School or Institution shall be deemed or taken to be affiliated for any purpose with the University.

Proviso.

Persons not educated in the affiliated institutions may be candidates for degrees, &c.

46. Persons not educated in any of the said Institutions for the time being affiliated with the said University may be admitted as candidates for Examination for Standing or for any of the Honours, Scholarships, Degrees, or certificates authorized to be conferred by the said University other than in Medicine or Surgery, on such conditions as the said Chancellor, Vice-Chancellor and Members of the Senate may from time to time determine.

47. The said Chancellor, Vice-Chancellor, and Members of the Senate may make such Regulations with regard to the examination of Candidates at any affiliated College, School or Institution in this Province as may appear convenient, and such examinations may be conducted by Sub-Examiners upon papers or questions prepared by the Examiners in the prescribed subjects, and may be deemed and taken as equivalent to the ordinary examinations held for any purpose at the University, and also for Certificates of having undergone a satisfactory examination in any Department of Literature, Science, or Art.

Examinations
at affiliated
colleges.

48. The Dean of Residence in University College for the time being shall be a member of the Council of said College.

Dean of Uni-
versity Col-
lege.

49. The Senate of the University, upon representations made to it in that behalf, may enquire into the conduct or efficiency of any professor in University College, and report to the Lieutenant-Governor the result of such enquiry, and may make such recommendations as the Senate may think the circumstances of the case require.

Powers of Se-
nate over pro-
fessors of Uni-
versity College.

50. The Lieutenant-Governor in Council may, upon the recommendation of the Senate, establish such other professorships or chairs in any Department of Knowledge, Science, or Art in University College as may promote the further efficiency and usefulness of said College.

New profes-
sorships.

51. To remove doubts, it is hereby declared that the Lieutenant-Governor in Council may appropriate from the general Income Fund such sum or sums as may from time to time be necessary for providing retiring allowances or gratuities to aged and infirm Professors, Lecturers, Teachers, and Officers upon their resignation or other deprivation of their respective offices.

Retiring al-
lowances to
professors, &c.

52. The salary of the Bursar of the said University may be fixed by the Lieutenant-Governor in Council at an amount not to exceed two thousand four hundred dollars.

Salary of
Bursar.

53. Without prejudice to any of the powers conferred by the said recited Act, so much of any of the provisions thereof as conflict with the express provisions of this Act are hereby repealed.

Repeal of pre-
vious conflict-
ing enact-
ments.

SCHEDULE "A."

UNIVERSITY OF TORONTO.

ELECTION

187 .

I, *M.A., (or other degree,)* of the University of
Toronto, resident at *in the County of*
do hereby declare :—

I.

I. That the signature affixed hereto is my proper handwriting.

II. That I vote for the following person (or persons) as Chancellor or as members of the Senate (*as the case may be*) of the University of Toronto, viz., of in the County of &c., &c.

III. That I have signed no other voting paper at this election.

IV. That this voting paper was executed on the day of the date hereof.

Witness my hand this day of A.D. 187 .

CAP. XXX.

An Act to establish a School of Practical Science.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the establishment of a school for practical education in such arts as mining, engineering, mechanics and manufactures, would greatly promote the development of the mineral and economic resources of the Province, and its industrial progress :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Establishment of school.

1. A school of practical science is instituted in this Province for instruction in mining, engineering, and the mechanical and manufacturing arts.

Museum of geology and mineralogy.

2. In connection with such school there shall also be established a museum of geology and mineralogy, with other branches, in order to afford aids for practical instruction, and illustrations of the mineral and economic products of the Province.

Site of school.

3. The site of such school and museum shall be in the city of Toronto, and the said school and museum may be continued in the building already acquired, or such buildings may be sold and new premises erected or obtained therefor.

Gifts, bequests, &c., to school.

4. It shall be lawful for the Lieutenant-Governor in Council, on behalf of this Province, to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said school and museum.

Owners of mines to furnish specimens.

5. Specimens of the ores, minerals and other products of any mine now being worked in this Province, shall, on request, be furnished

furnished by the respective owners of such mines for said school and museum, and who, in case of refusal to furnish such specimens, shall be liable to a fine not exceeding fifty dollars in each case of refusal, to be recovered according to the provisions of the law respecting "Summary Convictions."

6. The government of the school and museum shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall contain provisions for the subjects and course of study in each branch of practical science in which instruction is to be given, and may authorize certificates of proficiency, scholarships or other rewards to be given after examination in any of such subjects, and may also impose reasonable fees for attendance upon classes and lectures. Rules, &c., of the school.

7. The said school shall be furnished with all such appliances and apparatus as may be necessary for practical education in the hereinbefore mentioned arts, and the course of instruction therein shall be with reference to the following subjects:— Nature of instruction.

- (1.) The construction and working of machinery, manufactures, and mechanical powers in general;
- (2.) The construction of roads, bridges, railways, water and drainage system, and other public works;
- (3.) Mining, and the analysis of ores and minerals;
- (4.) The chemistry applicable to arts and manufactures;
- (5.) And such further subjects as will promote a knowledge of the physical sciences.

8. Besides training students in regular classes at such school, instruction shall also be given to artisans, mechanics, and workmen, by evening classes, in such subjects as may further their improvement in their different callings. Who may attend the school.

9. The Lieutenant-Governor in Council may, from time to time, appoint such lecturers, instructors and assistants, as the Lieutenant-Governor in Council may think necessary, for the efficient working of said school, and the promotion of its usefulness, and may entrust the internal management and discipline of said school to a Board or Council, composed of the lecturers and instructors therein. Appointment of lecturers, &c.

10. The Lieutenant-Governor in Council may make arrangements with University College for the attendance of students of the said school at such lectures in said College, as may come within the course or subject of instruction, prescribed by the rules and regulations of said school; and may agree with the University of Toronto for the use of its library and museum for the purposes of the said school, and for the acquisition of such specimens as have relation to geology and mineralogy, and may also affiliate the said school with the said University, but only to the extent of enabling students of the said school to Arrangements with Toronto University and University College.

to obtain, at the examinations of the said University, such rewards, honours, standing, scholarships and degrees in Science, as the said University, under its Statutes, and the Acts of the Legislature in that behalf, may be authorized to confer.

Annual reports
to be submitted
to the Legis-
lature.

11. Full reports of the progress of the said school shall be annually returned and submitted to the Legislative Assembly, which report shall, amongst other things, contain :

(1.) A tabular statement, with the name, place of birth, age, residence and occupation, or intended occupation of each student, attending in each term of said year, and the number of classes that such student attended, and his progress or proficiency ;

(2.) A similar statement with respect to the persons attending evening classes or lectures ;

(3.) A return of the lecturers, teachers and assistants, and the lectures delivered or classes instituted in each term, and the number of persons attending each lecture or class.

Fees.

12. All fees and moneys received on account of said school, are to be returned to the Treasurer of the Province, by whom all accounts relating to said school are to be kept.

CAP. XXXI.

An Act to make further provision as to the Custody of Insane Persons.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

On informa-
tion as to in-
sanity before
a justice, he
may issue
warrant to
apprehend.

1. Where an information is laid before one or more of Her Majesty's justices of the peace for any territorial division in Ontario that any person, being within the limits of the jurisdiction of such justice, or justices is, or is suspected, and believed by the person laying such information to be insane and dangerous to be at large, and has exhibited a purpose of committing some crime for which, if committed, such person would be liable to be indicted, such justice or justices of the peace may issue his or their warrant to apprehend such person and to cause him to be brought before such justice or justices or any other justice or justices for the same territorial division.

Warrant to ap-
prehend, form
of.

2. Every such warrant (form A) shall be under the hand and seal of the justice or justices issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the justice or justices is-
suing

suing the same has or have jurisdiction; and shall name or otherwise describe the person against whom the information has been laid; and shall state that information has been laid on oath that such person is insane and dangerous to be at large; and the warrant shall order the person or persons to whom it is directed to apprehend the person against whom such information has been laid and to bring him before the justice or justices issuing the warrant, or before some other justice or justices of the peace for the territorial division in order that enquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law.

3. Where the person alleged to be insane has been apprehended under the warrant, he shall be brought before the same justice or justices of the peace, or some other justice or justices of the peace for the same territorial division, and the justice or justices may thereupon by his or their warrant (form B.) commit the said alleged insane person, to the common gaol or other prison, or if the justice or justices shall think fit, to the custody of the constable or other person who apprehended him, or to such other safe custody as the justice or justices may deem fit; and shall in such case order the person apprehended to be brought up at a certain time or place before the justice or justices, of which order the informant shall have due notice; or the justice or justices may, if he or they consider fitting, proceed forthwith to hear the matter as in the next section directed; but no committal under this section shall be for a longer period than three days.

Proceedings
on apprehen-
sion.
Warrant of
committal.

4. Upon the day so appointed the said justice or justices shall proceed to hear such evidence under oath as may be adduced with reference to the alleged insanity of the prisoner, and shall then or previously direct enquiry to be made as to the friends and relatives of the prisoner in order that the evidence of some person or persons who is or are acquainted with the family and previous habits of the prisoner, may be had before the committal of the prisoner to custody as an insane person is directed.

Hearing of evi-
dence; en-
quiry among
friends, etc.

5. Such justice or justices may from time to time adjourn the enquiry, and again commit for safe custody until proper enquiry is made as herein directed.

Adjournment
on enquiry.

6. If after reasonable enquiry has been made by the justice or justices, he or they is or are satisfied that the prisoner is insane and dangerous to be at large, such justice or justices shall commit (form C.) such prisoner to the common gaol of such territorial division, there to remain until the pleasure of the Lieutenant-Governor be known, or until he be discharged by law.

Committal on
finding of in-
sanity.

7. But in case it shall appear to such justice or justices that such prisoner is not insane, or is not dangerous to be at large then such justice or justices shall forthwith discharge such person.

Discharge as
not insane.

Enquiry as to
property and
dependents.

8. If the justice or justices is or are satisfied that the person so apprehended as aforesaid is insane and dangerous to be at large it shall also be the duty of such justice or justices to make enquiry whether such prisoner is possessed of any, and of what property and where the same is situated, and also as to the number of persons (if any) who are dependent for support upon such prisoner, so that it may be ascertained whether such prisoner should be sustained as an insane pauper or not.

Justice to en-
quire as to
matters in
schedule 2.

9. It shall also be the duty of such justice or justices upon the examination of the witnesses in respect to such alleged insanity, and the danger of permitting the person apprehended to be at large, to elicit as far as such justice or justices may be able all information in respect to the matters set out in schedule No. 2.

If the justice
think enqui-
ries would be
less expensive
in the county
town, to cer-
tify accord-
ingly,

10. If in the opinion of the said justice or justices, it will be much less expensive to make the enquiries directed in the two preceding sections in the county town, or in case he or they find that the persons whom it is necessary to examine in order to obtain the information desired live at a considerable distance, the justice or justices may, in lieu of making said enquiries, certify such fact or facts and such justice or justices shall in such case be excused from making such enquiries.

whereon he
shall send the
certificates,
&c., to
keeper of the
gaol, who shall
transmit to the
Sheriff.

11. Such justice or justices shall forthwith send, certified, to the keeper of the gaol to which such insane person is committed, the depositions taken before him or them, and also the certificate (if any) given under the preceding section, and such keeper of the gaol shall forthwith deliver the same to the sheriff

Chairman of
Gen. sessions
to make en-
quiries requir-
ed by s.s. 8 & 9.

12. The judge of the county court of the county, or the deputy or junior judge, or if there is no deputy or junior judge, and the said judge of the county court be absent from the county, or unable to act, then such other justice of the peace as may be requested by the county court judge to act in his stead in this behalf shall, as soon as conveniently may be, cause to be made such of the enquiries directed to be made by the eighth and ninth sections of this Act, as have not been previously fully made; and the county attorney shall cause to be summoned the witnesses required therefor; but should the said judge or other justice find that such enquiries will be expensive, or that sufficient information has been obtained for the purposes of this Act by other means, then such judge or justice need not make the enquiries by this section directed.

When excused.

Compelling
attendance of
witnesses.

13. Any judge, justice, or justices of the peace acting in respect of any enquiry herein directed to be made, shall have the like authority for compelling the attendance of witnesses as a justice or justices would have under any Act in force respecting summary convictions, and may give directions to any constable or peace officer; and every such constable and peace officer is hereby

Directions to
peace officers.

hereby required to obey the same in like manner; and all the provisions of the said Acts as to procedure under the same shall as nearly as may be, apply to proceedings under this Act, unless where different provisions are herein made.

Procedure.

14. Every person committed as an insane and dangerous person under this Act shall remain in confinement in the gaol mentioned in the warrant until he is thence removed to some asylum or other place of safe keeping by direction of the Lieutenant-Governor, or until an order for his discharge is made by the Lieutenant-Governor, or until he is discharged under the provisions of the next section.

Person committed to remain in gaol till removed or discharged.

15. If the judge of the county court of the county, or the deputy or junior judge, or if there is no such deputy or junior judge, and the said county court judge be absent from the county, or unable to act, then if such other two justices of the peace, as may be authorized by the said judge to act in his stead in this behalf shall certify (Form D) that he or they has, or have personally examined such prisoner, and that he or they is, or are satisfied that such prisoner is not insane, or that such prisoner, though insane, is not dangerous to be at large, and is not, in the opinion of such judge or justices a proper person to be confined in an asylum for the insane, and two medical practitioners, of whom the gaol surgeon shall be one, and each of whom shall separately from the other have personally examined such prisoner, shall also certify in like manner (Form E), then, in either of such cases, such prisoner shall be forthwith discharged by the keeper of the gaol in which such prisoner is confined.

Discharge, how obtained.

16. In case the said examining judge or justices, and such medical practitioners shall duly certify (Forms F. and G.) that he or they, has or have personally examined such prisoner as aforesaid, and that he is insane, and a proper person to be confined in an asylum for the insane, the Lieutenant-Governor upon receipt of such certificate, may, through the Provincial Secretary, direct that such prisoner shall be removed to such asylum for the insane, or other place of safe custody, as may by the Lieutenant-Governor be deemed fit; each medical practitioner signing a certificate under this section shall specify therein the facts upon which he has formed his opinion.

Certificate of insanity by justices and medical men, committal thereon to asylum.

17. Every prisoner so removed, as mentioned in the last section, or already removed, or in custody by authority of the Lieutenant-Governor, in any asylum for the insane, shall remain subject to the custody of the officers and other persons in charge of such asylum or other proper place to which such prisoner may have been removed, or in which he may be in custody by virtue of any like order, until the discharge of such prisoner is directed upon such evidence of his complete or partial recovery, as may by the Lieutenant-Governor be deemed sufficient.

Custody of person committed to asylum, etc., till discharged

Medical superintendent of asylum may give over patient to custody of his friends,

18. In case the medical superintendent of any asylum shall consider it conducive to the recovery of any of the persons confined in such asylum that any such person should be committed for a time to the custody of his friends, such medical superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person.

cases of imprisonment for offence excepted.

19. Nothing in the preceding section contained shall be construed to authorize the temporary discharge of any person who may have been imprisoned for an offence, and the period of whose sentence may not have expired.

Recommittal to asylum from custody of friends.

20. In case, within six months from such temporary discharge on trial, such insane person should again become dangerous to be at large, it shall be lawful for the medical superintendent, by whom such insane person was so discharged, by his warrant (Form H.) directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such insane person be apprehended and brought back to the asylum from which he was so temporarily discharged, and such warrant shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said asylum.

Discharge by Lt.-Governor or medical superintendent.

21. Persons confined by virtue of this Act, or of any Act hereby repealed, may be discharged by the Lieutenant-Governor or by the medical superintendent under such regulations as may, by the Lieutenant-Governor in Council, be made in that behalf.

Apprehension on escape from asylum.

22. In case any inmate of an asylum for the insane shall escape therefrom, it shall be lawful for any of the officers or servants of the asylum, or for any other person or persons at the request of such officers or servants, or any of them, within forty-eight hours after such escape where no warrant has been issued, and within one month after such escape where a warrant (Form I.) has been issued by the medical superintendent in that behalf, to retake such escaped person, and to return him to the asylum from whence he escaped, and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape.

Maintenance, liability for.

23. Any person who is now, or who shall be hereafter confined in any asylum for the insane, and who has at the time that he is placed in confinement, or who shall subsequently thereto come into the possession of property, shall be liable for his maintenance while in such asylum; and any person whose wife may be confined in any asylum for the insane, shall be liable for her maintenance while confined therein; and the Inspector of asylums may, by his corporate name, recover the amounts

Maintenance of married women, liability of husband

amounts owing in respect of such maintenance; but it shall not be the duty of such Inspector to enforce payment in accordance with such liability unless upon enquiry, regard being had to the claims of persons having a moral or legal right to maintenance out of the estate of such insane person, the Inspector shall consider that the claim for maintenance ought to be collected.

24. Any gift, grant, alienation, conveyance or transfer of any real or personal property made by any person, after having been insane, shall be held to be fraudulent and void, as against the Inspector of asylums, unless the same is made for full and valuable consideration actually paid, or sufficiently secured to such person, or unless the purchaser had no notice of the insanity.

Conveyances of insane persons void as against inspector, unless for value or without notice.

25. Notwithstanding another committee may have been appointed by the Court of Chancery, every act of the Inspector of public asylums, as the committee of any lunatic or other insane person, shall be valid and binding upon the estate of such lunatic or other insane person, if done previously to a copy of the order appointing another committee, together with a notice of the persons who have been approved by such court, as the sureties of such committee, being served upon the said Inspector.

When Acts of the inspector valid as against the committee in Chancery.

26. In case at the time of the death of any insane person the "Inspector of Public Asylums" is the committee of such insane person, the said Inspector shall, until probate of the will, or letters of administration of the estate of such insane person is granted to some other person or persons, and such grant notified to the Inspector in writing, continue to have, and may, if he consider it requisite so to do, exercise by his corporate name aforesaid the same powers in respect of the real and personal estate of the deceased as an executor and devisee would have in respect of the estate of his testator, in case the same were bequeathed and devised to him in trust for the payment of debts and the distribution of the residue.

Powers of inspector as to estate of deceased in case he is the committee at time of death.

27. The judge, deputy, or junior judge of the county court of the county, in the common gaol of which any person imprisoned for an offence is confined, and which person is, in the opinion of the gaol surgeon, insane, may, and if required by any regulations, approved by the Lieutenant-Governor in Council, made respecting the admission of patients into asylums for insane persons, shall, as soon as conveniently may be, cause to be made in respect of such prisoner enquiries similar to those directed to be made by the eighth and ninth sections of this Act; and in case there is no deputy or junior judge for any such county court, and the judge is absent from the county or unable to act, then the said enquiries may be made by such justice of the peace as may be requested by the said county court judge to act in his stead in this behalf.

Enquiries as to supposed insanity of a person in gaol.

Sections 12 & 13 to apply to s. 27.

28. The provisions of the twelfth and thirteenth sections of this Act shall apply to enquiries made under the preceding section.

Lt.-Governor may in certain cases return an insane non-resident of Ontario to the country from whence he came.

29. Upon its appearing to the Lieutenant-Governor that any insane person, confined as aforesaid in any gaol or in any asylum for the insane, has come or been brought to this Province from some other province or country, within thirty days prior to his committal to such gaol or asylum, or any other gaol or asylum, it shall be lawful for the Lieutenant-Governor, by his warrant, to authorize the removal of such insane person back to the province or country from whence he has come or been brought, as aforesaid.

Expenses of enquiries, and conveyance to asylum, how to be borne.

30. The expenses of the enquiries directed by this Act to be made, and of conveying any insane person from any gaol to an asylum for the insane, shall be paid by the county, city or separate town in which such insane person may have been apprehended; but if such insane person had not prior to his being apprehended resided in such county, city or separate town for the period of one year, but had resided for that period in some other county, city or separate town in this Province, then such expenses may be recovered back by the county, city or separate town in which such insane person was apprehended from the county, city or separate town in which such insane person had last resided for the period of a year; or if such insane person, although he had resided for the period of one year in the county, city or separate town in which he was apprehended, had since such residence for one year therein been resident for the period of one year in some other county, city or separate town in this Province, then in like manner such expenses may be recovered by the county, city or separate town in which such insane person was apprehended from the county, city or separate town in which such insane person last resided for the period of one year.

34 V., c. 18, s.s. 5, 6, 7, 21, 24, repealed.

31. The fifth, sixth, seventh, twenty-first and twenty-fourth sections of the Act respecting asylums for the insane, passed in the thirty-fourth year of the reign of Her present Majesty, and chaptered eighteen, are hereby repealed, and the following sections are substituted in lieu of the said fifth, sixth, seventh and twenty-fourth sections respectively:—

No admission without order of Lieutenant-Governor or certificates of three doctors.

(5.) No person shall be admitted into any of the said asylums as a lunatic (except upon an order of the Lieutenant-Governor) without the certificates (Form K.) of three medical practitioners, each attested by the signatures of two subscribing witnesses, and bearing date within three months of the time of such admission:

Contents of certificates.

(6.) Each such certificate shall state that the medical practitioner signing the same personally examined the patient separately from any other medical practitioner, and that after due enquiry into all necessary facts relating to the case of such patient

patient, found him to be insane, and the medical practitioner so certifying shall also, in such certificate, specify the facts upon which he has formed his opinion that the person to whom such certificate relates is insane, and he shall therein distinguish facts observed by himself from facts communicated to him by others.

(7.) Such certificates shall be a sufficient authority to any person to convey the lunatic to any of the said Asylums, and to the authorities thereof to detain him therein, so long as he continues to be insane. Effect of certificates as authority to detain, &c.

(24) The word "Inspector" shall mean the Inspector appointed under the Act passed in the thirty-first year of the reign of Her Majesty, and chaptered twenty-one, or under any other Act which may be substituted therefor: the word "lunatic" shall mean any insane person, whether found so by inquisition or not; the word "father" in this Act shall include any husband of the lunatic's mother, and the word "mother" shall include any wife of the lunatic's father: Provided, in either case, that the birth of such lunatic be legitimate. Interpretation—"inspector," "lunatic," "father," "mother."

The said last mentioned Act shall be construed as if the said twenty-fourth section had been originally as is hereinbefore enacted.

32. The seventh and subsequent sections of chapter one hundred and nine of the Consolidated Statutes of the late Province of Canada are, as far as they relate to this Province hereby repealed. Con. Stat. Ca., c. 109, s. 7 and following sections repealed.

SCHEDULE No. 1.

FORMS.

"A."

(Referred to in the second section of this Act.)

WARRANT.

Province of Ontario }
County of }

To all or any of the constables or other peace officers in the said county of

Whereas information upon oath hath this day been laid before the undersigned, one (*or, as the case may be*) of Her Majesty's justices of the peace in and for the said county of that *A. B.* is insane, and dangerous to be at large.

These are therefore to command you in Her Majesty's name forthwith to apprehend the said *A. B.* and bring him before me, (*or us*), or some one or more of Her Majesty's justices of the peace in and for the said county, in order that enquiry may be

be made respecting the sanity of the said *A. B.*, and that he may be further dealt with according to law.

Given under my hand and seal this _____ day of _____
 in the year of our Lord _____ at _____
 in the county of _____ (L. S.)

“B.”

(Referred to in the third section of this Act.)

WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING INQUIRY.

Province of Ontario }
 County of }

To all or any of the constables or peace officers in the County of _____ and to the keeper of the common gaol (or lock-up house) at _____

Whereas on the _____ day of _____ last past information upon oath was laid before one *(or as the case may be)* of Her Majesty's justices of the peace, in and for the said County of _____ that *A. B.* is insane, and dangerous to be at large : And whereas, the hearing of the same is adjourned to the _____ day of _____ (instant), at _____ o'clock in the *(fore)* noon at _____ and it is necessary that the said *A. B.* should in the meantime be kept in safe custody :

These are therefore to command you or any of you, the said constables or peace officers in Her Majesty's name forthwith to convey the said *A. B.* to the common gaol (or lock-up house) at _____ and there deliver him to the custody of the keeper thereof together with this precept : And I hereby require you, the said keeper, to receive the said *A. B.* into your custody in the said common gaol (or lock-up house), and there safely keep him until the _____ day of _____ (instant) when you are hereby required to convey and have him the said *A. B.*, at the time and place to which the said hearing is so adjourned as aforesaid, before such justice or justices of the peace for the said county as may then be there, to make further enquiry respecting his sanity, and to be further dealt with according to law.

Given under my *(or, as the case may be)* hand and seal this _____ day of _____ in the year of our Lord _____ at _____ in the County aforesaid. (L. S.)

“C.”

"C."

(Referred to in the sixth section of this Act.)

FINAL WARRANT OF COMMITTAL.

Province of Ontario, }
County of }

To all or any of the constables or other peace officers in the County of _____, and to the keeper of the common gaol of the County of _____ at _____ in the County aforesaid.

Whereas information was laid before me (*or us*) one (*or as the case may be*) of Her Majesty's justices of the peace for the said County of _____ on the oath of _____, that *A. B.* was insane and dangerous to be at large : And whereas enquiry has been made by me (*or us*) respecting the sanity of the said *A. B.*, and whereas I (*or we*) have found and adjudged the said *A. B.* to be insane and dangerous to be at large :

These are therefore to command you, the said constables or other peace officers. or any of you to take the said *A. B.* and him safely convey to the common gaol at aforesaid, and there deliver him to the keeper thereof, together with this precept ; and I do hereby command you, the keeper of the said common gaol to receive the said *A. B.* into your custody in the said common gaol, and there safely keep him until the pleasure of the Lieutenant-Governor be known, or until he be discharged by law.

Given under my hand and seal this _____ day of _____
in the year of our Lord 18 _____ at
in the county aforesaid.

(L. S.)

"D."

(Referred to in the fifteenth section of this Act.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS NOT
FIT FOR AN ASYLUM.

Province of Ontario, }
County of }

I, the undersigned *C. D.*, Judge of the County Court of the County of _____ (*or we E. F. and G. H.*, Esquires, two of Her Majesty's Justices of the Peace for the County of _____ who have been requested by *C. D.*, Esquire, Judge of the County Court,

Court of the said County, to act in his stead in this matter,) do hereby certify that I (*or we*) have, on this day of A.D. 18 , personally examined *A. B.*, an inmate of the gaol for the said County of , and I (*or we*) do hereby further certify that I am (*or we are*) satisfied that the said *A. B.* is not insane (*or that the said A. B.*, though insane, is not dangerous to be at large); and is not in my (*or our*) opinion a fit person to be confined in an asylum for the insane.

Signed this day of A.D. 18 , at , in the County of .

“E.”

(Referred to in the fifteenth section of this Act.)

CERTIFICATE OF MEDICAL PRACTITIONER WHEN PRISONER IS NOT FIT FOR AN ASYLUM.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying, for example, Licentiate of the Medical Board; M. D. of the University of Toronto, &c.*), a legally qualified medical practitioner, residing and practising at , in the County of , do hereby certify that I, on the day of A.D. 18 , at in the County of , separately from any other medical practitioner, personally examined *A. B.*, an inmate of the Common Gaol of the County of , and I further certify that I am satisfied that the said *A. B.* is not insane (*or that the said A. B.*, though insane, is not dangerous to be at large;) and is not in my (*or our*) opinion a fit person to be confined in an asylum for the insane.

Signed this day of A.D. 18 , at , in the County of .

“F.”

(Referred to in the sixteenth¹ section of this Act.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS INSANE.

Province of Ontario, }
County of }

I, the undersigned *C. D.*, Judge of the County Court of the County of (*or we E. F. and G. H.*, Esquires, two of Her Majesty's Justices of the Peace for the County of who have been requested by *C. D.*, Esquire, Judge of the County Court of the said County, to act in his stead in this matter), do hereby

hereby certify that I (or we) have on this day of
 A.D. 18 , personally examined A. B., an inmate of
 the gaol for the said County of and I (or we) do
 hereby further certify that the said A. B. is insane, and that
 the said A. B. is a proper person to be confined in an asylum
 for the insane.

Signed this day of A.D. 18 , at , in
 the County of .

“G.”

(Referred to in the sixteenth section of this Act.)

CERTIFICATE OF MEDICAL PRACTITIONER WHEN PRISONER IS
 INSANE.

I, the undersigned C. D. (*here set forth the qualification or
 degree of the person certifying, for example, Licentiate of the
 Medical Board; M.D. of the University of Toronto, &c.*), a
 legally qualified medical practitioner, residing and practising at
 , in the County of , do hereby certify
 that I, on the day of A.D. 18 , at , in
 the County of , separately from any other medical
 practitioner, personally examined A. B., an inmate of the Com-
 mon Gaol of the County of , and I further
 certify that the said A. B. is insane, and is a proper person to
 be confined in an asylum for the insane; and that I have formed
 this opinion upon the following grounds, namely: (*here state the
 facts upon which the certificate is based.*).

Signed this day of A.D. 18 , at , in
 the County of .

“H.”

(Referred to in the twentieth section of this Act.)

WARRANT TO RETAKE PROBATIONARY PATIENT.

Asylum for the Insane at .

To
 and all or any of the Constables or peace officers in the
 County of

Whereas on the day of last past, being
 within six months of this date, A. B., an insane person confined
 in the asylum for the insane at was allowed by me,
 C. D., the medical superintendent of the said asylum, to return
 on trial to the care of his friends; And whereas it appears to
 me

me from information received by me that the said *A. B.* has again become dangerous:

These are therefore to command you or any of you the said constables or peace officers, in Her Majesty's name to retake the said *A.B.*, and safely convey him to this asylum and deliver him into my charge.

Given under my hand and seal this day of
in the year of our Lord at in the County
aforesaid.

[L. S.]

“ I.”

(Referred to in the twenty-second section of this Act.)

WARRANT TO RETAKE ESCAPED PATIENT.

Asylum for the Insane at

To
and all or any of the constables or peace officers in the County of

Whereas on the day of last past, being within one month from this date, *A.B.*, an insane person confined in the Asylum for the Insane at of which I (*n ame*) am medical superintendent, did escape from the said asylum:

These are therefore to command you or any of you the said constables or peace officers, in Her Majesty's name to retake the said *A.B.*, and safely convey him to this asylum and deliver him into my charge.

Given under my hand and seal this day of
in the year of our Lord at in the County
aforesaid.

[L. S.]

“ K.”

(Referred to in the thirty-first section of this Act.)

CERTIFICATE OF MEDICAL PRACTITIONER IN ORDINARY CASES.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying, for example, Licentiate of the Medical Board; M. D. of the University of Toronto, &c.*), a legally qualified medical practitioner, residing and practising at , in the County of , hereby certify that I, on the day of A.D. 18 , at , in the County of , separately from any other medical practitioner, personally

sonally examined *A. B.*, of (*insert residence and profession or occupation, if any*), and after making due enquiry into all facts in connection with the case of the said *A. B.*, necessary to be enquired into in order to enable me to form a satisfactory opinion, I certify that the said *A. B.* is insane, and is a proper person to be confined in an asylum for the insane (and that the said *A. B.* is an idiot, *if such be the fact*) and that I have formed this opinion upon the following grounds, namely :

1. Facts indicating insanity observed by myself (*here state the facts.*)

2. Other facts (*if any*), indicating insanity, communicated to me by others (*here state the information, and from whom received.*)

Signed this day of A.D. 18 , at , in
the County of .

Signed in presence of }
 F. G. }
 H. K. }

SCHEDULE No. 2.

INFORMATION TO BE ELICITED UPON ENQUIRY,

(*Referred to in sections eight and nine of this Act.*)

1. The names in full and age of prisoner.
2. Occupation, religion, and country.
3. Whether married or single, and if single, whether such person has ever been married.
4. How many children, if any.
5. Address of parents or nearest relatives, and in case of such relatives, how connected.
6. How long prisoner has been insane.
7. Duration of the present attack, and whether the first.
8. How the insanity first showed itself, and the supposed causes.
9. Whether any delusions, and if so, what they are.
10. Whether the prisoner is suicidal or dangerous to others.
11. Whether any offence has ever been committed by the prisoner, and whether the prisoner has been convicted of the same, with all particulars.
12. Whether the prisoner is subject to epilepsy or paralysis.
13. Whether any of the other members of the prisoner's family have suffered in a similar way, and whether the prisoner has ever been in an asylum, and if so, when and where.
14. What have been the habits of the prisoner as to temperance, industry, and general conduct, and in what manner they have changed—whether such change has been recent, gradual, or sudden.

15. Whether the prisoner has been subject to any bodily ailments, and if so, their nature.
16. Degree of education of prisoner, and any other information that will in the opinion of the justice or justices aid the medical superintendent in the treatment of the case.
17. Whether prisoner is idiotic, imbecile, or incurable.
18. Whether the friends of the prisoner, or any of them if such there be, is or are able to contribute to the maintenance of the prisoner while in an asylum, and which, if any, of such friends, and how much they, or any of them, can contribute.
19. The information required by section eight of this Act.

CAP. XXXII.

An Act respecting institutions for the Education and Instruction of the Deaf and Dumb and the Blind in the Province of Ontario.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS an institution has been founded and established at Belleville, in the Province of Ontario, for the education and instruction of the deaf and dumb, and also an institution at Brantford in the said Province, for the education and instruction of the blind; And whereas, it is expedient to define the object and design of these institutions, and to make provision for their management;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The institution at Belleville to be for the public use of the Province, &c.

1. The institution founded and established at Belleville, with all the lands, buildings, real estate, and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as the "Ontario Institution for the Education and Instruction of the Deaf and Dumb."

Name.

The institution at Brantford to be for the public use of the Province, &c.

2. The institution founded and established at Brantford, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same; and whatever buildings may hereafter be erected thereupon shall be for the public use of the Province; and shall be known and designated as the "Ontario Institution for the Education and Instruction of the Blind."

Name.

3. Such institutions respectively shall be for the purpose of educating and imparting instruction in some manual art to such deaf and dumb persons and to such blind persons as are born of parents, or are wards of a person *bona fide* resident of, and domiciled in, the Province of Ontario; and no person shall be admitted to either of such institutions except for the purposes of education and instruction, nor if over the age of twenty-one years, except upon the assent in writing of the Inspector, and his report to the Provincial Secretary the particulars and special circumstances which in the opinion of the Inspector justify such admission; and the maintenance and support of any person admitted shall be in the discretion of the Inspector, who, on exercise thereof in favour of such person, shall report every six months to the Provincial Secretary the particulars and special circumstances which justify such maintenance and support; and the Secretary in either case may annul the right of admission or of continuance in such institutions, and annul or vary the terms of continuance, support or maintenance.

Object of the institutions.

Admittance.

Maintenance.

Annuling admission.

4. The Lieutenant Governor may appoint to the said institutions respectively, to hold office during pleasure, a principal who shall be the chief executive officer of the same, a bursar, a physician, a matron, and such other officers, instructors, and servants as he may deem necessary; and may also fix and determine the salary of every such officer and servant.

Appointment of officers.

Salaries.

5. The Inspector appointed or to be appointed under the first clause of "The Prison and Asylum Inspection Act, 1868" shall be the Inspector of the said institutions, and shall have and perform the same powers and duties in respect to the said institutions as are conferred upon him in respect of asylums for the insane by the said "The Prison and Asylum Inspection Act, 1868."

Inspector and his powers.

6. The Inspector shall have power, and it shall be his duty to make such rules and by-laws, as he may deem expedient for the government, discipline and management of the said institutions; for prescribing and regulating the duties of the principals, bursars, physicians, matrons, and every other officer, instructor and servant employed in or about such institutions; for the education and instruction of the pupils admitted to the same; and, subject to the provisions hereinbefore contained, for fixing the terms and conditions upon which pupils shall be admitted to, and remain in, the said institutions respectively, and the period they shall be allowed to remain therein, and their discharge therefrom; Provided always that no such rules or by-laws shall have any effect until and unless they be first approved by the Lieutenant Governor in Council.

Inspector to make rules for management &c.

Proviso.

CAP. XXXIII.

An Act to provide for the establishment of an Hospital for the reclamation and cure of Habitual Drunkards.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the prevalence, and, in many communities of this Province, the increase of drunkenness is directly causing the ruin of many persons addicted to the vice, and of their families, as well as inflicting grievous injury upon their relations and society at large; And whereas it is clearly shown that drunkenness, directly and indirectly, is the cause of much of the disease, insanity and idiocy, as well as of the crime and pauperism in the Province, and which evils it is most desirable to remedy or ameliorate; And whereas experience has shown that the plan of treating drunkenness as a disease in Hospitals especially established for that purpose has produced very beneficial results:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may acquire property for purposes of Hospital.

1. The Lieutenant-Governor may purchase and acquire for the public use of the Province, a suitable site within the Province, with all such lands as may be necessary for the purposes of this Act, and may cause to be erected thereon proper and suitable buildings with all the necessary appurtenances for an Hospital for the treatment of habitual drunkards.

Designation of Hospital.

2. Such Hospital shall be called and known as the "Ontario Hospital for Inebriates."

Hospital to be provided with proper means for treatment, &c.

3. The said Hospital shall be furnished and provided with all the requisite means and appliances both internal and external, for the proper treatment of such habitual drunkards as are hereinafter mentioned, and who shall have been admitted or committed to such Hospital in the manner hereinafter provided.

Appointment of Superintendent and officers.

4. The Lieutenant-Governor may appoint a Superintendent, a Bursar, a House-keeper, and such other officers and servants as may be necessary for the conduct of the affairs of such Hospital, to hold office respectively during pleasure, and may also fix and determine the salary of every such officer and servant so appointed.

Salaries.

Inspector.

5. The Inspector appointed or to be appointed under the first clause of "The Prison and Asylum Inspection Act, 1868," shall, by virtue of his office, be the Inspector of the Hospital to be erected under the authority of this Act; and shall have the same

same powers in respect of such Hospital as are conferred upon him in respect of Asylums for the Insane and the Institutions for the Deaf and Dumb and the Blind, by the said "Prison and Asylum Inspection Act, 1863."

6. The Inspector shall have power, and it shall be his duty, to make rules and regulations for the proper administration of the affairs of the said Hospital, and for fixing and prescribing the duties of the Superintendent, Bursar, House-keeper, and every other officer and servant employed therein, and for the general good government and the moral and sanitary discipline of such Hospital, as well as all other provision for such proper treatment and care of the inmates of such Hospital as will be effectual for, and tend to, the curing of such inmates of their habits of inebriety and diseases induced thereby, and to annul, alter and amend the same from time to time; Provided always, that no such rule or regulation shall have any effect until, and unless it first be approved by the Lieutenant-Governor in Council.

Power and duties of Inspector.

7. The Inspector shall have power at all times to enter into such Hospital, and have access to every part thereof; and to examine all papers, documents, records and books belonging thereto; and to investigate the conduct of any officer or servant employed in or about such Hospital, or any patient or person within the precincts thereof; and may summon any person before him by order under his hand, and examine such person under oath touching any breach of the rules or any matter affecting the interest of such Hospital; and any person who shall neglect or refuse to appear at the time and place specified in such order, having been duly served with a copy thereof, or shall refuse to give evidence or produce papers, books or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector in that behalf, and imprisoned in the common gaol of the locality as for contempt of court, for a period not exceeding fourteen days.

Powers of Inspector.

8. It shall be the duty of the Inspector to audit the accounts of the Bursar of such Hospital, and to enquire into all money transactions when requisite, and to obtain from such Bursar a statement of all expenditures, receipts and cash transactions of such Hospital every month, or at any time he may demand such statement.

Inspector to audit accounts.

9. The Superintendent of such Hospital shall make a report every three months, or oftener if required, to the Inspector, of the movements of such Hospital in respect of patients admitted and discharged, and of its operations and results, and the general management of its affairs; and shall also make an annual report of the same to the Inspector for the information of the Legislature.

Superintendent to report.

Report of
Inspector.

10. The Inspector shall keep an exact record of his proceedings in respect of such Hospital, and shall send a copy thereof to the Lieutenant-Governor, and shall, with his annual report, transmit the report made to him by the Superintendent and Bursar with his observations thereon, together with such suggestions and recommendations for the improvement of such Hospital as he may deem necessary and expedient.

Superinten-
dent to reside
within hospi-
tal.

11. The Superintendent shall reside within such Hospital, and shall be the chief executive officer of the same, under the direction of the Inspector, and shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions, from time to time, duly made by the Inspector, and approved by the Lieutenant-Governor in Council; and he shall be held responsible for the faithful and efficient administration of the offices of every department of the Hospital.

Hospital for
treatment of
males only.

12. Such Hospital shall be for the reception and treatment of males only.

Who to be ad-
mitted.

13. Admission to the said Hospital shall be awarded to *bona fide* residents of the Province upon the voluntary application in writing of the person so desiring to be admitted; provided it is certified to the satisfaction of the Superintendent that the person so applying is an inebriate, and further, that he is a reasonably hopeful subject for treatment with a view to the cure of his inebriety.

Time of deten-
tion in hospi-
tal.

14. Such inebriate may be detained in the Hospital for a period of one year and no longer; and it shall be a condition of his admission to such Hospital that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the Superintendent, is required to effect a permanent cure of his inebriety; and before admission is awarded to him to the said Hospital he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of such Hospital while an inmate of the same.

Terms of ad-
mission.

15. The Superintendent, with the consent and authority of the Inspector, shall have full authority to discharge at any time from such Hospital any person who has been awarded admission to it by his own voluntary application for the following causes, *viz* :—

1st. That such person is cured;

2nd. That such person is incurable and incapable of being benefited by the treatment and discipline of the said Hospi-
tal;

3rd. That such person, who being able to pay for his main-
tenance and support therein, or that any other person named
in and within the meaning of the sixteenth section of this Act
being

Authority of
superintendent
to discharge
patients.

being able to pay for the maintenance and support of such inebriate, has failed to pay for the same ;

4th. Such person who has been guilty of vicious conduct prejudicial to the good order and discipline of the Hospital.

16. If any inebriate, having made application to be admitted to the Hospital under the provisions of the thirteenth section of this Act, is possessed of sufficient real or personal property to enable him to pay for his maintenance and support while an inmate of such Hospital, or, if being under twenty-one years of age, he has a father or mother able to pay for such support and maintenance, or in case his relations or friends are able and willing to pay for such support and maintenance, before admission is awarded to such inebriate, a bond, to be approved by the Inspector, shall be signed by one or more responsible persons for the due payment of the charges of such support and maintenance.

Maintenance and support of voluntary patients in hospital.

17. The charges for the support and maintenance of such person so admitted to the Hospital shall be determined by the Inspector, with the approval of the Lieutenant-Governor in Council, according to the character of the accommodation furnished in such Hospital.

Charges for maintenance.

18. On petition under oath, sworn before a Commissioner of the Court of Queen's Bench or Common Pleas, which oath the said Commissioner is hereby empowered to take, presented to the Judge of the County in which the alleged habitual drunkard resides, by any relations whether by blood or affinity, or in default of such relations by any friend of such alleged habitual drunkard, setting forth that such alleged habitual drunkard being a *bona fide* resident of the Province is so given over to drunkenness as to render him unable to control himself and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the said petition may be had, such Judge shall cause and direct that a copy of such petition shall forthwith be served upon such alleged habitual drunkard, and with such copy there shall be served an appointment, signed by the said Judge, appointing a time and place for the hearing of the matters and allegations contained in the said petition, and such service shall be at least eight clear days before the time fixed for such hearing.

Commitment of habitual drunkards.

19. The said Judge shall attend at the time and place named in the said appointment and then and there, proceed to enquire into the matters and allegations set forth in the said petition:

Hearing the petition.

Provided

Provided always, that the said Judge may in his discretion adjourn the said enquiry from time to time.

Summoning
of witnesses.

20. The said Judge shall have power to summon such relations, or such other persons as are acquainted with the said alleged habitual drunkard before him by order under his hand, and examine such persons under oath touching the truth or falsity of the matters and allegations set forth in the said petition respecting the alleged habitual drunkard; and any person who shall neglect or refuse to appear before the said Judge at the time and place named in such order, having been duly served with a copy thereof, or shall refuse to give evidence before the said Judge may be taken into custody by virtue of a warrant under the hand of the said Judge and imprisoned in the Common Gaol of the County in which such enquiry is held as for contempt of Court, for a period not exceeding fourteen days.

Examination
of the habitual
drunkard
discretionary.

21. In proceeding to the examination of the matters and charges contained in the said petition it shall not be necessary that the person charged with such habitual drunkenness be interrogated before the said Judge, nevertheless the said Judge shall have power so to do, but it shall be sufficient that he be satisfied with the evidence given before him by the relations or such other persons as are acquainted with the said alleged habitual drunkard.

Habitual
drunkard may
produce and
examine wit-
nesses.

22. It shall be lawful for such alleged habitual drunkard to produce before such Judge witnesses to contradict the matters and allegations of the petition, and the witnesses in support of the same, and each party may retain counsel to conduct the proceedings before such Judge and to examine the witnesses.

If Judge find
party petition
ed against to
be an habitual
drunkard, to
report to Pro-
vincial Secre-
tary.

23. If the Judge upon such examination find the person petitioned against to be an habitual drunkard, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs; or for the like reason squanders or mismanages his property; or places his family in danger or distress; or transacts his business prejudicially to the interest of his family or his creditors; or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others; or incurs the danger of ruining his health or shortening his life, the said Judge shall forthwith report the fact to the Provincial Secretary, and with such report shall transmit the evidence taken.

Provincial
Secretary may
direct removal
to hospital.

24. Upon the receipt of such report and evidence, the Provincial Secretary may, by order directed to the Sheriff of the County where such habitual drunkard resides, direct the said Sheriff to forthwith remove the said habitual drunkard to the said Hospital, to be placed under treatment and detained therein for a period not exceeding one year: nevertheless, the Provincial Secretary may, upon the report of the Superintendent,

at

at any time order the discharge of such person so committed to such Hospital for any of the causes specified in sub-sections one, two, and four of section fifteen of this Act.

25. In case an inmate of the said Hospital, whether admitted or committed as hereinbefore provided, shall escape therefrom, it shall be lawful for any of the officers or servants of the said Hospital, or for any other person or persons, at the request of the Superintendent within forty-eight hours after such escape, or within one month thereafter, when a warrant has been issued by the Superintendent in that behalf, to retake such escaped person, and to return him to the said Hospital where he shall remain under the authority by virtue of which he was detained prior to such escape.

Provision in case any party detained escape.

26. If any habitual drunkard upon or at any time after being so removed to the said hospital under the twenty-fourth section, shall possess or become possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the Hospital or any part thereof can be paid; then if any sum be due for the maintenance of the habitual drunkard in the Hospital be not paid on demand made upon such habitual drunkard, and such property shall in the opinion of the Inspector be more than sufficient or be not required to maintain the family (if any) of such habitual drunkard, it shall be lawful for such Inspector to take possession of such property, or as much thereof as he may think necessary to pay or to secure the payment of the sum due or to become due for the support and maintenance of the habitual drunkard in the Hospital, and he shall have full power over and be competent to manage and appropriate, take, or receive possession of, lease, mortgage, sell and convey all or any part of such property in the name of such habitual drunkard, as fully and effectually to all intents and purposes as such habitual drunkard could or might do if of full age and not addicted to habitual drunkenness.

Where property may be taken possession of to pay for maintenance.

27. If such Inspector consider it necessary, in order to secure the payment of the maintenance of such habitual drunkard, or for the interest of the estate of the said habitual drunkard so to do, he may exercise the powers in the next preceding section given, or any of them, although no sum is over-due for such maintenance.

Inspector may sell property though nothing due for maintenance.

28. Before any sale and conveyance of any real property of such habitual drunkard, the Inspector shall report the case, with the terms of the proposed sale, to the County Judge of the County within which the property is situate, for his approval, and such sale and conveyance so approved shall be valid and binding upon the habitual drunkard and his heirs.

Real property how to be sold.

29. The Inspector shall be liable to render an account as to the manner in which he shall have managed the property and effects

Inspector to render accounts.

effects of such habitual drunkard, in the same way and subject to the same responsibilities as any Trustee, Guardian, or Committee duly appointed for a similar purpose may be called upon to account, but he shall only be liable for wilful misconduct.

Disputes as to
property how
settled.

30. In all cases mentioned in the next preceding sections, if doubt or opposition arise as to the right of property, it shall be lawful for the Inspector or the person claiming the property to apply to the County Judge of the County in which such property shall be, to cause an inquisition to be held before such County Judge, and to try and determine either by himself or by a jury when required by either party, but not otherwise, the right of property, which such Judge shall accordingly do.

Expenses of
conveying
habitual
drunkard to
Hospital.

31. The expenses of conveying the said habitual drunkard to the said Hospital under the provisions of the twenty-fourth section of this Act shall be paid by the county in which he resides: Provided always, that it shall be the duty of the Inspector to add such expenses upon receipt of a statement thereof from the clerk of the said county, to the costs of maintenance and support mentioned in the twenty-sixth and twenty-seventh sections of this Act, and when received (if ever), the Treasurer of the Province shall pay the same to the Treasurer of the said County.

Interpretation,
"County."

32. The word "county," wherever it occurs in this Act, shall include any union of counties for judicial purposes, the District of Algoma, the territorial District of Muskoka, the temporary District of Nipissing, and any other judicial or territorial division or district that may be formed out of any portion of the unorganized territory in this Province.

CAP. XXXIV.

An Act to amend the Acts respecting Tavern and Shop Licenses.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it is expedient to amend the Act passed in the thirty-second year of Her Majesty's reign, intitled "An Act respecting Tavern and Shop Licenses," and the Act passed in the thirty-third year of the same reign amending the same, in order to make the provisions thereof more effectual for the purposes intended:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Persons not to
keep spirituous

1. No person shall keep or have in any house, building, shop,

shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented, or other manufactured liquors for the purpose of selling, bartering, or trading therein, unless duly licensed thereto under the provisions of the said recited Acts ; but this shall not apply to brewers or distillers duly licensed by the Government of Canada, nor to any chemist or druggist duly registered as such, under and by virtue of the "Pharmacy Act of 1871," who keeps or has such liquors for strictly medical purposes only ; and any person who shall offend against the provision of this section, shall be subject to the like penalty and punishment as are prescribed for selling or bartering spirituous, fermented, or manufactured liquors without license, under the provision of the twenty-second section of the Act passed in the thirty-second year of Her Majesty's reign, intituled "An Act respecting Tavern and Shop Licenses;" and the prosecution for any offence against this section of this Act shall take place in the same manner as is prescribed by the twenty-fifth section of the said Act, passed in the thirty-second year of Her Majesty's reign.

&c., liquors
for sale unless
licensed.

Distillers,
brewers, and
chemists.

Penalty.

2. Any house, shop, room, or other place in which are proved to exist a bar, counter, beer-pump, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented, or other manufactured liquors are sold under the last preceding section, unless the contrary is proved by the defendant in any prosecution ; and the occupant of such house, shop, room, or other place, shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter, or traffic therein.

Places in
which the sale
of liquors is
presumed.

3. In cities, towns, and incorporated villages, if any person or persons, other than members of the family or household of the keeper of a licensed tavern or saloon, is or are found frequenting or present, or gas or other light is seen burning, in the bar-room of such tavern, or in any other room in said tavern or saloon, where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of the said recited Acts, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquors by the keeper of such tavern or other place has taken place contrary to the provisions of the twenty-third section of the said Act in the recital hereof firstly mentioned ; and such keeper may thereupon be convicted of an offence against said section, and shall, upon conviction, be subject to the punishment prescribed in and by the twenty-fourth section of the Act last aforesaid.

Persons or
lights in bar-
rooms at pro-
hibited times,
when so proved,
to be
prima facie
evidence of
illegal sale of
liquor.

4. The occupant of any house, shop, room, or other place in which

Liability of
occupants.

which any sale, barter, or traffic of spirituous, fermented, or manufactured liquors, or any matter, act, or thing, in contravention of this Act, or of any of the provisions of the said Acts in the recital hereof mentioned has taken place, shall be personally liable to the penalty and punishments prescribed in the twenty-second section of the said Act passed in the thirty-second year of Her Majesty's reign, intituled "An Act respecting tavern and shop licenses," notwithstanding such sale, barter, or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant.

Sale of liquors
from ships in
port prohib-
ited.

5. Where a license is issued, under the said recited Acts, to authorize the sale of liquors upon any vessel navigating any rivers, lake, or water in this Province, no sale or other disposal of liquor shall take place thereon or therefrom, whilst such vessel is at any port, pier, wharf, dock, mooring, or station; and in case any such sale or other disposal of liquor shall take place, the said license shall *ipso facto* be and become forfeited, and absolutely void, and the captain or master in charge of such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section shall be severally and respectively liable to pay to the Crown, for the public uses of this Province, the sum of one hundred dollars; and any person who may sell or dispose of any liquor contrary to the provisions of this section shall also be liable to the same penalty and punishment therefor as are prescribed in the twenty-second section of the said firstly recited Act.

Proof of being
licensed to
rest on the de-
fendant.

6. In any prosecution under this Act or the said Acts in the recital hereof mentioned, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under the said Acts or this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully; and the production of a license which on its face purports to be duly issued, and which were it duly issued, would be a lawful authority to the defendant for such act or omission shall be *prima facie* evidence, that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine.

Fees for li-
censes.

7. Notwithstanding the limit imposed by the said recited Acts, and over and above the sum which may be imposed by municipalities, as by the said Acts provided, there shall be paid for each tavern license, to, and for the use of Her Majesty (and forming part of the Consolidated Revenue Fund of this Province) in cities, a duty of thirty dollars; in towns, of twenty-five dollars; and in townships and incorporated villages, of fifteen dollars; for vessels navigating the waters of this Province, of thirty dollars; for each shop license in any such

such municipality, excepting townships, of twenty-five dollars, and in townships, fifteen dollars; for each tavern license in any territory not under municipal government, of fifty dollars; and for each shop license in any such territory, of forty dollars: Provided that for each tavern license mentioned in section six sub-section five of the Act passed in the thirty-second year of the reign of Her said Majesty, and chaptered thirty-two, the Provincial duty shall be thirty-five dollars.

8. The Lieutenant-Governor may appoint one or more Provincial officers, whose duty it shall be to enforce the observance of the provisions of this Act, and of the Acts in the recital hereof mentioned; and the council of every county, township, town, incorporated village, and the commissioners of police in each city, shall, immediately after the Act comes in force, and some time in the month of January in each year, thereafter appoint an officer or officers for the municipality, for the like purposes, and for the observance and enforcement of any by-law of the municipality, with respect to tavern and shop licenses, and shall fix and define the duties, powers, and privileges of the officer or officers so appointed; the remuneration he or they shall receive, and the security to be given for the efficient discharge of the duties of the said office.

Appointment of officers to enforce this and recited Acts.

9. Any officer or any police officer, or constable, or inspector of licenses under the twenty-ninth section of the said Act, passed in the thirty-second year of Her Majesty's reign, respecting tavern and shop licenses, shall be deemed to be within the provisions of this Act; and when any such information is given to such officer that there is cause to suspect that some person is violating any of the provisions of this Act, or of the said Acts, in the recital mentioned, it shall be the duty of such officer to make diligent enquiry into the truth of such information, and enter complaint of such violation before the proper court, without communicating the name of the person giving such information; and it shall be the duty of the county attorney, within the county in which the offence is committed, to attend to the prosecution of all cases committed to him by such officer.

Present appointed officers.

Duties of officers and county attorneys on receiving information of infringement of this Act.

10. The thirty-first section of the said last mentioned Act is hereby repealed, and the following shall stand in lieu thereof:

32 V., c. 31, s. 31, repealed.

31. The penalties in money in the said last mentioned Act, or any portion of them which may be recovered, shall be paid to the convicting justice or justices in the case, and shall by him, or them, in case any officer appointed by the Lieutenant Governor is the prosecutor or complainant, be paid to the treasurer of Ontario, and in case such Provincial officer is not the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed; and for the recovery of the said penalties and legal costs, upon and after conviction in cases not appealable, and in cases appealable where an appeal has been perfected according to law, it shall and may be

Application of penalties.

Penalties and costs, how recoverable.

be lawful for any justice or justices to issue a warrant of distress to any constable or peace officer, against the goods and chattels of the person or persons convicted, and in case no sufficient distress be found to satisfy the said conviction, then it shall and may be lawful for the said justice or justices to order that the person or persons so convicted be imprisoned in any common gaol within the county, or gaol, or lock-up house, in which such conviction was made, for any period not exceeding thirty days, unless the penalty and all costs be sooner paid.

This Act to apply to the territorial and unorganized districts.

11. The several provisions of this Act and of the said recited Acts, shall apply to the territorial and unorganized districts of this Province, and in any prosecution or proceeding thereunder the stipendiary magistrate in any such district, shall possess and exercise all the powers and jurisdiction of the mayor, police magistrate, or other convicting justice or justices of the peace, under the said recited Acts; and any money penalty imposed and recovered shall be paid to the Treasurer of Ontario; and the lock-up of such district shall be deemed to be a gaol for the purpose of imprisonment under the said Acts; and the provisions of the said Acts, and of this Act, applicable to townships, shall apply to all municipalities organized under the Acts providing for the establishment of municipal institutions in various territorial districts.

Issue of licenses for places not within a municipality.

12. The licenses to be issued for the sale of spirituous, fermented or other manufactured liquors, in any place not within a municipality, may be issued on such conditions and under such regulations as the Lieutenant-Governor in Council may from time to time direct, subject to the provisions of this Act; and any bond which the Lieutenant-Governor in Council may direct to be taken from any person obtaining a license under this Act, for any such place conditional for the observance of the law, and of all regulations to be made under this section shall be valid, and may be enforced according to its tenor.

Inconsistent provisions of 23 V., c. 6, repealed.

Proviso.

13. The Act of the Parliament of the late Province of Canada, for the prevention of the sale of intoxicating liquors in the unorganized tracts of such Province passed in the twenty-third year of Her Majesty's Reign, in so far as the provisions thereof may be inconsistent with this Act, is hereby repealed: Provided always, that all things and all proceedings done, taken or commenced, shall not be affected by the repeal of the said Act of the late Province of Canada, but the same and every of them shall be, remain and continue as though this Act had not passed.

CAP. XXXV.

An Act to provide for the Incorporation of Immigration Aid Societies in the Province of Ontario.

[Assented to 29th March, 1873.]

WHEREAS it is expedient that an immigration into the Province of Ontario, from the United Kingdom and other parts of Europe, should be encouraged and facilitated: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Commissioner of Agriculture and Public Works shall from time to time divide the Province of Ontario into immigration districts, either by counties, ridings or municipalities, as seems to him most expedient; and in each of such districts there shall be an immigration office and an immigration agent; and such division and any future alteration thereof shall be notified in the *Ontario Gazette* as the immigration district of the place where the immigration office is kept. Immigration districts, agents and officer.

2. In each of such districts an Immigration Aid Society or Societies may be formed and constituted under this Act, for the purpose of assisting immigrants to reach Ontario from Europe and elsewhere; and to obtain employment for them on their arrival in the Province; and of enabling persons in Ontario in want of labourers, artisans or servants to obtain them by such immigration; each such society to consist of not less than twenty-five persons, whether resident or not in the immigration district, agreeing to form such society, and to subscribe among them as the capital of the society not less than five hundred dollars, in fifty shares of ten dollars each, one-fourth of which at least shall be paid on subscribing the declaration of membership hereinafter mentioned, into the hands of a person agreed upon as their Secretary-Treasurer, by the persons (not being less than twenty-five) present at the meeting at which it is agreed to form such society. Formation of such societies and their purpose.

Subscription and capital.

3. The persons agreeing to form such society shall elect or agree upon a president, secretary-treasurer, and board of management, composed of not less than five members, including the officers above mentioned; and shall adopt a constitution and by-laws; and shall respectively sign a declaration to the effect following: "We the undersigned hereby associate ourselves together as 'The Immigration Aid Society No. — of the Ontario Immigration District of ———,' and we hereby bind ourselves to observe and obey all the requirements of the Ontario Immigration Aid Societies Act, 1873, and to pay respectively into the hands of the Secretary-Treasurer the amount Formalities to be complied with for the purpose of such formation.

Agreement.

"amount of stock set opposite our respective names, one-fourth
 "on subscribing this declaration, and the remaining three-
 "fourths by the instalments and in the manner hereinafter
 "provided; and we further bind ourselves to observe and to
 "obey the constitution and by-laws of the society, which are
 "as follows:"

Constitution
 and rules of
 Society.

Then shall follow the constitution and by-laws, which shall declare the objects of the Society to be those mentioned in section two, and such other special objects (if any) as it may be thought necessary to enumerate; and shall contain the names of the first president, secretary-treasurer, and members of the board of management; the place where the Society shall have its office and hold its meetings; the manner in which the remainder of the stock of the society shall be paid up; the annual subscription to be paid by members, if such subscription be deemed advisable; the admission of new members; the duties and powers of the board of management and officers; the period for which they shall retain office; the regular meetings of the Society; the mode of calling and holding special meetings; number required for a quorum; and mode of voting thereat; the manner of filling vacancies in the board of management, or the performance of their duties in their absence by others; period for which the society shall continue; mode of dividing its assets or profits from time to time during such period; and generally such provisions as may be advisable or expedient for the well working of the society, and the attainment of the objects for which it is formed; then shall follow the signatures of members, and in columns opposite thereto the amount of stock for which they respectively subscribe, and the amounts paid up; the declaration shall then be dated and attested by the signatures of the president and secretary-treasurer.

Attestation.

Duplicate of
 declaration to
 be sent to
 the Commis-
 sioner for
 approval and
 certificate.

4. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the secretary-treasurer, through the agent for the district, to the Commissioner of Agriculture and Public Works, who shall cause them to be compared with this Act, and if it be not found so conformable, the Commissioner shall return both duplicates to the Secretary-Treasurer, informing him of the fact and of the objection to which the declaration is liable; but if it be found to be so conformable, he shall certify the fact under his hand and seal on both duplicates, and shall retain and keep one of them in his office, and shall return the other to the Secretary-Treasurer.

Commissioner
 to give No. to
 the Society.

5. If there be no other Immigration Aid Society in the district the Commissioner shall treat the Society as Number One, and shall fill the blank left in the declaration for that purpose with that number; but if there be another or others, he shall give each a number in the order in which he certifies the declarations, and shall fill the blank in each with its proper number, according to such order.

6. As soon as the declaration is approved and certified as aforesaid the society shall be a corporation, or body politic and corporate, by the name taken in the declaration, including the number given it by the said Commissioner, and shall have all the powers, rights and immunities assigned to corporations by the Joint Stock Companies General Clauses Consolidation Act, including the right to have a corporate seal if they think fit; but it shall not be necessary that the corporate seal (if they have one) should be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that purpose that the document be signed by the Secretary-Treasurer and countersigned by the president of the society as such, or by the person or persons acting *pro tempore* in their stead, nor shall the authority or capacity of any person signing the same or his signature be called in question by any but the corporation, and if it be not so questioned shall be admitted in evidence without proof; and any document purporting to be the duplicate copy of the declaration, signed and sealed by the said Commissioner, shall be admitted as evidence of the facts stated therein, without proof of his signature, unless it be called in question by himself or by his authority.

On approval
Society to
become a
corporation.

Seal.

Execution of
documents.

Evidence of
duplicate.

7. The society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration, and to lend and to borrow money, and to take or give security for the same, and to become a party to any promissory note, bill of exchange or other negotiable instrument or security, in the manner provided as to other documents by section six; and may receive assistance in money or otherwise from municipal or other corporations, or from any institution, society or person, towards enabling them to attain the objects of this Act, on such terms and conditions as may be agreed upon, not inconsistent with this Act or with law; Provided always, that the total amount of the liabilities of the society shall never exceed the amount of its capital subscribed, but not paid up.

Powers of
Society
lending and
borrowing
money.

Proviso, total
liability
limited.

8. The society may receive applications from persons desiring to obtain artisans, workmen, servants, or labourers from the United Kingdom, or from any part of Europe or elsewhere, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Ontario, in any manner, at any rate of wages, and for any period, under such penalties as damages for non-performance as may be stipulated in such contract, and may receive in advance all or any part of the money to be expended by the society, or take security for the repayment of all or any part thereof to the society by instalments, or in one sum as may be agreed upon.

Society may
receive appli-
cations for the
employment
of immigrants
and act upon
them.

9. The Secretary-Treasurer shall forthwith transmit every such application, with the requisite information and details, to the

Applications
to be forward-
ed to district
agent, with re-

port of
society's
action there-
on.

the immigration agent of the district, with the amount the society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other travelling charges of the immigrants required, from their home in Europe to the place in Ontario where they are required.

Applications
to be trans-
mitted to
agents in
Europe with
funds advan-
ced; their
duties.

10. The immigrant agent shall forthwith transmit every such application and the money received by reason thereof, to the emigration agent or commissioner of the Province of Ontario in the United Kingdom or elsewhere, who shall thereupon take the necessary measures for procuring and forwarding to the said society such immigrant or immigrants as may be required by the application; and the immigration agent shall, from time to time, furnish the Commissioner of Agriculture and Public Works with such information and details respecting such application as the said Commissioner may require.

Agents in
Europe to
take security
from emi-
grants for re-
payment of
advances.

11. If it is the intention of the society or of the applicant that the whole or part of the money advanced towards defraying the expenses of emigration shall be repaid by the immigrant, either in one sum or in instalments, it shall be the duty of the Emigration agent or commissioner of the Province in Europe making the arrangements for the passage of the intending emigrant to Canada, to take from such emigrant an undertaking binding him or her to repay such money to the society in Ontario in one sum or by instalments, at certain periods, and with or without interest, according to the instruction given by the Secretary-Treasurer, and he shall witness the execution of such instrument; and if any sum of money has been advanced to the emigrant for like purposes by any society, or institution, or individual in the United Kingdom, such sum may, with the consent of such society, institution, or individual be included in the amount for which such instrument is given, and may be recovered by the Ontario society aforesaid, and being so recovered shall be paid over without charge to the society, institution, or individual by whom it was advanced, to whom, as well as to the Ontario society, the agent or commissioner of emigration witnessing the execution of the instrument, shall notify any such amount.

Sums advan-
ced to emi-
grants in
United King-
dom may be
included.

Recovery
from immi-
grant of
amount of ad-
vances

12. Any sum due as an instalment upon any such instrument shall be recoverable in any way in which a like sum is recoverable in the place where the suit is brought, although the instrument includes a further sum not then due.

Emigrant may
bind himself
to serve nomi-
nee of the
society for the
amount of the
advance.

13. Any emigrant who might make such instrument, as aforesaid, may, in like manner, execute an instrument witnessed as above provided, binding himself or herself, in consideration of the sum advanced by the society therein named, to accept employment of the kind to be therein stated from any
named

named person in the immigration district in which the society is formed, or with any person in such district whom the society may designate to the immigrant on his or her arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named, not exceeding six calendar months, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his or her wages, at a period or periods to be designated in such instrument, such sum or sums as shall also be therein designated, and to pay the same to the society, on account of any money due by the immigrant to it; and such instrument may be enforced by the society accordingly, by civil suit in any court having jurisdiction to the amount then due against the immigrant; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him or her in such instrument shall be an offence cognizable before any one justice of the peace, and punishable by a fine not exceeding twenty dollars and costs, and by imprisonment until such fine and costs be paid; and the fine, if paid, shall belong to the society, and be paid over to it by the justice of the peace; but the payment of such fine shall not prevent or affect any civil remedy of the society under such instrument.

How each obligation may be enforced.

14. The Commissioner of Agriculture and Public Works shall, in his discretion, appoint, instead of the district agents hitherto mentioned in the preceding clauses of this Act, an inspector of immigration societies; whose duties will be to generally superintend the working of such societies; and to act in the place of the said district agents, or he may appoint the immigration agents of the Dominion Government to act as provincial district agents for their respective agency districts.

Appointment of inspector of immigration societies.

15. The said commissioner, inspector, district agents, or other person or persons who may be appointed by the said commissioner, shall have power to examine under oath any person or immigrant touching any of the provisions relative to assisted emigration contained in this Act; and shall have the same power to enforce the attendance of such persons or immigrants, and to compel them to give evidence, as is vested in any court of law in civil cases; and any wilfully false statements made by any such witness on oath or solemn affirmation, shall be a misdemeanour punishable in the same manner as wilful and corrupt perjury.

Commissioner, &c., may examine immigrants regarding assistance extended by this Act.

16. In this Act the expression "Commissioner of Agriculture and Public Works," includes any deputy or officer authorized to perform the duty, or exercise the power in question; the expression "immigration" or "immigrant," includes "emigration" or "emigrant," when it refers to the act of leaving or to a person about to leave Europe or elsewhere for Ontario; any negotiable or other instrument authorized by this

Interpretation clause.

Act

Foreign
language;
monies.

Act may be drawn in any foreign language understood by the person executing it, and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent sums of currency in Canada, and the word "society" means the Ontario Immigration Aid Society which the context indicates or refers to.

Short title.

17. This Act may be cited as "The Ontario Immigration Aid Societies' Act, 1873."

CAP. XXXVI.

An Act to Amend the Agricultural and Arts Act.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Agricultural and Arts Act is hereby amended in manner following:

31 V., c. 29,
s. 10, amended.

2. In section ten, line five, change the word "President" to "Presidents," and in line six, after the word "Society" add "and the Dairymen's Association."

S. 19, cl. 6,
amended.

3. After section nineteen, sub-section six, add as additional sub-sections:

Penalty on
wrongfully as-
suming title of
veterinary
surgeon.

7. Any person who shall wilfully and falsely pretend or who shall wilfully and falsely take or use any name, title, addition, abbreviation, or description implying, or calculated to lead people to infer that he is, or is recognized by law as a veterinary surgeon within the meaning of the foregoing sub-sections five and six, or that he possesses a diploma or proper certificate from some duly authorized veterinary college, within or without this Province, shall upon a summary conviction before any Justice of the Peace, pay a penalty not exceeding one hundred dollars, and not less than twenty-five dollars;

Prosecutions.

8. All prosecutions under this Act may be brought and heard before and by any Justice of the Peace having jurisdiction in the locality where the offence is alleged to have been committed, and such justice shall have power to award payment of costs in addition to the penalty; and in case the penalty and costs awarded by him be not upon conviction forthwith paid, to commit the offender to the common goal, there to be imprisoned for any term not exceeding three months, unless penalty and costs be sooner paid;

9. All penalties recovered under this Act shall be paid to the convicting justice, and be paid by him to the Treasurer of the Agricultural and Arts Association, and shall thereupon form part of the funds of the said Association, and be accounted for as such;

Penalties, application of.

10. Any person convicted under this Act who shall give notice of appeal against the decision of the convicting justice, shall, before being released from custody, give to the said justice satisfactory security for the amount of the penalty and costs of conviction and appeal;

Security to be given on appeals.

11. The Council of the Agricultural and Arts Association, or any person may be prosecutor or complainant under this Act, and every prosecution thereunder, shall be commenced within one year from the date of the alleged offence.

Any one may prosecute within one year.

4. In section twenty-three, line thirteen, strike out the word "may," and insert "the Council of the Agricultural and Arts Association shall," in lieu thereof.

S. 23 amended.

5. After section twenty-three add the following as a subsection thereof:

1. The corporation of any city or town may enter into any agreement with the Council of the Agricultural and Arts Association, binding such corporation to erect the buildings necessary for holding the annual exhibition of the Association; and in case the council has, in consideration of any such corporation undertaking to enter into such an agreement, selected such corporation as the one within the territorial limits of which any such exhibition shall be held, then, in the event of such corporation failing to enter into any such binding agreement as aforesaid, on or before the first day of May in the year for holding such exhibition, the council may change the place for holding such exhibition for that year,

Agreements between corporations of cities and towns and the council as to erecting exhibition buildings.

6. In section twenty-five, line three, after the word "having" insert "established a reading-room or"; in line seven, after the word "horticulture" insert "philosophy"; in line eight strike out the word "and," and after the word "travels" insert "poetry and biography"; in line ten after the word "such" insert "reading-room;" and in line eleven strike out the words "or both;" and in line fifteen after the word "objects," insert, "Provided also, that not more than one-fourth the total amount so received from unappropriated moneys in the hands of the Treasurer of the Province, and so locally contributed, shall be expended for the purpose of such reading-room."

S. 25 amended.

7. After section thirty-three add the following, as additional section and sub-sections:—

S. 33 amended.

THE DAIRYMEN'S ASSOCIATION.

33a. The societies now existing and known respectively as "The Canadian Dairymen's Association," and "The Ontario Dairymen's Association," and "The Ontario Dairymen's Association," shall have power to be-

Dairymen's Association, power to be-

come incorpo-
rated.

Power to pro-
vincial trea-
surer to grant
moneys to the
association.

Meetings,
election of offi-
cers, reports of
expenditure,
etc.

Che se fairs.

Copies of re-
ports of expen-
diture, etc., to
be sent to
Commissioner
of Agriculture.

tario Dairymen's Association," may organize and form themselves into a society, comprising not less than eighty members, each paying an annual subscription of not less than one dollar, to be known as "The Dairymen's Association of Ontario," by signing the declaration and taking the proceedings (so far as applicable), prescribed in sections twenty-six, twenty-seven, and twenty-eight of this Act, in relation to horticultural societies; and upon notice thereof being inserted in the *Ontario Gazette*, such society shall become a body corporate, and may make by-laws, rules and regulations not being contrary to this Act or the general law of the Province, for its guidance and management;

1. Such association shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of this Province, a sum not to exceed seven hundred dollars in any one year, on the like conditions (so far as applicable) provided in section forty-six, in the case of county or electoral division societies.

2. Such association shall hold a meeting on the second Wednesday in February, in each year, either at Ingersoll or Belleville; the first of such annual meetings to be held at Belleville on the second Wednesday in February, in the year of our Lord one thousand eight hundred and seventy-four, and the two meetings following at Ingersoll, and shall continue to hold such annual meetings in like manner once at Belleville and twice at Ingersoll; and shall, at each such meeting, present a full report of its proceedings, and a detailed statement of its receipts and expenditure for the previous year; and elect a president, vice-president, secretary, and treasurer (or a secretary-treasurer), and not fewer than five, nor more than nine directors, and shall elect two auditors: the officers of the said association until the elections at the annual meeting to be held in February, in the year one thousand eight hundred and seventy-four, to be as follows:—Thomas Ballantyne, President; Ketchum Graham, Vice-President; James C. Hazler, Secretary; Charles E. Chadwick, Treasurer; Edwin Caswill, James Noxon, Peter J. Brown, James M. Wilson, Peter Daly, William Yates, Henry Ostrom, Benjamin Hopkins, and George Morton, Directors; and Charles H. Sorley and Thomas Wells, Auditors;

3. The said association shall also hold annually a cheese fair or exhibition, in connection with the annual agricultural shows held at Ingersoll and Belleville respectively; such cheese fair or exhibition to be held in the same way as the annual meetings of the said association are held, that is to say once at Belleville and twice at Ingersoll; and at each such fair or exhibition, a sum amounting to not less than one half of the annual grant mentioned in sub-section one of this section, shall be given as prizes for cheese;

4. A copy of said report and statement of receipts and expenditure, and a list of the office-bearers elected, and also such general information on the subject of dairies and dairy products in this Province and elsewhere, as the association may have been able

able to obtain, shall be sent to the Commissioner of Agriculture, within thirty days after the holding of such annual meeting."

8. Section fifty-one of the said Act is hereby amended by inserting in line four after the word "sell," the word "mortgage;" and sub-section one of the said section, as amended by the nineteenth section of the act passed in the thirty-fourth year of the reign of Her Majesty, chaptered nineteen, is amended by inserting in the fifth line of said sub-section after the word "sell," the word "mortgage." The power to mortgage by the foregoing part of this section enacted shall extend to Electoral Division Agricultural Societies as to all property held by such societies respectively.

31 V., c. 10, s. 51; and 34 V., c. 19, s. 19 amended.

9. In schedule B, lines two and three, strike out the words "the Act respecting the Bureau of Agriculture and Agricultural Societies," and insert "The Agricultural and Arts Act" in lieu thereof.

Schedule B amended.

10. In schedule D, line four, strike out the word "special"; in line five, after the word "of," insert "a reading room;" and in line six strike out the word "both" and insert "all" in lieu thereof.

Schedule D amended.

11. This Act shall be read as a part of the Act hereby amended.

This Act to be part of amended Act.

CAP. XXXVII.

An Act further to amend the Agricultural and Arts Act.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section twenty-six of the Act passed in the thirty-first year of Her Majesty's reign, chaptered twenty-nine, is hereby repealed, and the following section substituted in lieu thereof, and read as section twenty-six of the said Act:—

31 V., c. 29, s. 26, repealed.

(26.) Any number of persons not less than fifty, in any city, town or incorporated village of not less than fifteen hundred inhabitants, and not being in itself constituted an electoral division, and whether such city or town is, or is not, separated from the county for municipal or other purposes, may organize and form themselves into a Horticultural Society, by signing a declaration in the form of schedule B, to this Act annexed (but with necessary alterations as to the name of the society), and

Formation of Horticultural Societies in cities, towns, and incorporated villages.

and paying each not less than one dollar to the funds of the society for that year; and all persons thereafter paying each the sum of one dollar annually to the funds of the society, shall be members thereof; and such societies shall have all the rights and privileges, and be subject to the same obligations as township agricultural societies, in reporting to, and participating in the grants to the county or electoral division societies in the electoral divisions in which they may respectively be situated

CAP. XXXVIII.

An Act to authorize a further expenditure of Public Money for Drainage Works.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it is expedient and necessary that the swamps and wet lands of the Province should be drained:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Expenditure authorized.

1. The Treasurer of the Province may, with the authority of the Lieutenant Governor in Council, advance out of the Public Moneys of the Province any sum or sums of money not exceeding in the whole the sum of two hundred thousand dollars to be expended in Drainage Works, to be executed under the provisions of the "Act respecting the Public Works of Ontario," and of this Act.

Accounts of expenditure to be kept.

2. The Commissioner of Public Works shall cause a separate account to be opened in the Books of his Department, in which shall be regularly entered a true and exact statement of all sums of money, received, paid and expended about any drainage or improvement by means of drainage, embankment, culverts or other work in connection with drainage, made under the provisions of the aforesaid Act, and of the several articles, matters or things for which any sum of money shall have been disbursed and paid.

Commissioner of P. Works may undertake drainage on request of municipality, or on petition of resident property holders.

3. The Commissioner of Public Works may, on the written application of the council of any municipality, asking for Drainage Works within such municipality, or along any town line of such municipality, undertake and complete the same.

4. The Commissioner of Public Works, on the petition of a majority of all the owners, or on the petition of a majority of the owners as shown by the last revised Assessment Roll to be resident on the property described in the petition, and the whole or

a portion of which is to be benefited by the drainage, may undertake and complete the same as if the council had applied for the drainage.

5. The assessors shall assess all lands and roads benefited by drainage undertaken under the formalities prescribed in the preceding section as if the same had been undertaken on the application of the municipality. Assessment of lands.

6. Whenever it is necessary to continue the Drainage Works beyond the limits of any municipality, the engineer employed by the Commissioner of Public Works may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the drainage was commenced, and the Commissioner may undertake and complete the same as if such adjoining municipality or inhabitants thereof had petitioned for the same. When work may be extended into other municipalities.

7. The Commissioner of Public Works shall notify the council of any municipality in which, or along any town line of which, Drainage Works have been executed under the foregoing provisions, requesting them to appoint three assessors who shall assess all lands and roads benefited by such drainage. Appointment by council of assessors of the benefit of drainage.

8. If the council so notified shall fail to appoint such assessors within one month after such notification by the Commissioner of Public Works, then the official arbitrators or such other persons as the Commissioner of Public Works may appoint, shall make the assessment in the same manner and under the formalities hereafter laid down for the guidance of the assessors. How assessment may be made on failure of council to appoint assessors.

9. The assessors shall, before proceeding to make the assessment, take and subscribe the following oath, (or, in case of those who affirm, make and subscribe the following affirmation,) before any Justice of the Peace; which oath or affirmation shall be deposited with the Assessment Roll as provided in section ten: "I, A. B., do swear (or affirm) that I will to the best of my ability and knowledge make a true and honest assessment of the lands drained or benefited by such drainage in proportion to the benefit derived by each road, lot or part of lot thereby. So help me, God," (or in case of affirmation) "All which I do solemnly affirm."

10. The assessors shall forthwith, when they have completed the assessment, deposit an attested copy of their Assessment Roll with the clerk of the municipality which, or the inhabitants of which, applied for the drainage. Oath by assessors before assessing.

11. The assessment shall be subject, in every case of complaint by the owner or person interested in any property assessed, whether of overcharge, or of undercharge of any other property assessed, Assessors to deposit copy of their assessment with municipal clerk.

Appeal from assessment.

assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaints, as set forth in the sixty-first, sixty-third, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of the Assessment Act of 1869.

Municipal
clerk to
publish the
assessment.

12. The clerk of such municipality shall, within six days after such Assessment Roll has been deposited with him, publish the same for four weeks in some paper in the municipality, or if no newspaper be published therein, then in some newspaper in the nearest municipality, together with a notice that a Court of Revision, which the council shall, from time to time as occasion may require, hold on some day not earlier than twenty nor later than thirty days from the day on which the Assessment Roll was first published; and such Court shall be constituted, and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the Assessment Act of 1869; and in case of appeal to the Judge, Junior or acting Judge of the County Court, he shall have the same powers and duties, and the clerks of the Municipality and Division Courts, respectively, shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive.

Court of
revision.

Appeal to
Judge.

Powers, &c.,
of the Judge
and clerk.

When assess-
ment to be
published, in
case lands lie
in two muni-
cipalities.

13. When lands or roads in an adjoining municipality, or lying between two municipalities, are assessed, the Assessment Roll shall not be published, as provided in the preceding section, until the amount to be paid by such adjoining municipality is determined by arbitration or otherwise, as hereinafter provided.

Commissioner
to give certain
information to
the assessors.

14. As soon as conveniently may be after any works for the drainage or improvement of any land, authorized to be executed under the aforesaid Act, shall have been completed, the said Commissioner shall furnish the assessors with a map of the municipality, with the drain or drains marked upon it, and Assessment Rolls such as are used for ordinary assessments, and a statement of the sums which shall have been expended in and about the works so executed, including all expenses incident thereto, and interest upon all payments, but not including expenses of preliminary surveys, together with all such maps, plans, sections, and other documents or information as may seem necessary.

How and when
assessments to
be made.

15. Upon receiving the plans, maps and other documents as aforesaid, the said assessors shall visit and inspect the lands, and shall assess them, setting opposite each parcel of land the proportions of the total amount of the sums which shall have been expended, as aforesaid, which ought to be payable in respect of the several parcels or lots of the land, or road so drained or improved.

When lands in
an adjoining

16. When the drainage works do not extend beyond the limits

of the municipality in which they were commenced, but in the opinion of the assessors benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between two or more municipalities, then the assessors shall charge the lands so benefited, and the corporation or corporations or company whose road or roads are improved, with such proportion of the cost of the works as they may deem just; and the amount so charged for roads, or agreed upon by the arbitrators hereinafter referred to, shall be paid out of the general funds of such municipality or company.

municipality may be charged, though works not carried into such municipality.

17. The assessors shall determine and report to the council of the municipality which, or inhabitants of which, asked for the drainage, whether the drainage shall be maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion.

Report as to which municipality shall pay.

18. The council of the municipality which, or certain inhabitants of which, applied for the drainage, shall serve the head of the council of the municipality into which the same is continued, or whose lands or roads are benefited without the drainage being continued, with a copy of the Assessment Roll aforesaid, so far as it affects such last mentioned municipality; and unless the same is appealed from, as hereinafter provided, it shall be binding on the council of such municipality.

Council of municipality wherein work begun to notify municipality to be benefited.

19. The council of such last mentioned municipality shall be bound, as if they had petitioned for such drainage, as provided in the third section of this Act, to raise such sum as may be named in the Assessment Roll, or in case of an appeal, for such sum as may be determined by the arbitrators.

Council of municipality wherein work not begun to raise money.

20. The council of the municipality into which the drainage works have been continued, or whose lands, road or roads are benefited without the drainage works being carried within its limits, may, within ten days from the day in which the copy of Assessment Roll was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the Assessment Roll with a written notice of appeal, such notice shall state the ground of appeal, the name of an arbitrator, and call upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice; and in default thereof it shall be lawful for the council of the municipality so appealing to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always, that in no case shall the assessors or any one of them, or a member or officer of any council concerned, be appointed or act as arbitrator.

Council of municipality wherein work not begun may appeal; arbitration thereon.

21. If, after the arbitrators have been appointed as aforesaid, Appointment of third arbi-

trator by
County Judge.

said, they fail or neglect for the space of six days to appoint a third arbitrator, the judge of the county court of the county in which the municipality appealing is situated, shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator.

Oath by arbi-
trators.

22. The arbitrators, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who affirm, make and subscribe, the following affirmation) before any justice of the peace; which oath or affirmation shall be filed with the award:—

I, A. B., do swear (or affirm) that I will well and truly try the matter referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me, God, (or in case of affirmation,) “All which I do solemnly affirm.

Award.

23. The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute, and make their award, which shall be binding on all parties; and one copy thereof shall be filed with the clerk of each of the municipalities interested, one shall be filed with the Registrar of deeds for the county or riding in which either of the municipalities is situate, and one with the Commissioner of Public Works.

Filing.

Decision of
majority of
arbitrators.

24. In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

Repairs and
maintenance
of work after
completion.

25. It shall be the duty of each municipality, in the proportion determined by the assessors or arbitrators, (as the case may be), or until otherwise determined by the assessors or arbitrators, under the same formalities, as near as may be, as provided in the preceding sections, to preserve, maintain and keep in repair any drainage works executed under the foregoing provisions within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the assessors, when finally passed, may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued from any court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal; and in any case wherein, after such drainage works have been fully made and completed, the same have not been continued into any other municipality than that in which the same were commenced, or wherein the lands or roads of any such other municipality are not benefited by

by such drainage works, it shall be the duty of the municipality making such drainage works, to preserve, maintain, and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the Assessment Roll when finally passed: Provided always, that the council may from time to time change such Assessment Roll on the report of an engineer, appointed by them to examine and report on such drain and repairs.

26. Should a drain, constructed under the provision of this Act, be used as an outlet, or otherwise, by any other municipality, company, or individual, such municipality, company, or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the assessors or arbitrators, under the formalities provided in the preceding sections.

Case of a drain being used by another municipality.

27. When a ditch is being constructed along a road allowance, contracts may be made for spreading the earth taken from the ditch on the road; and if the road or any part thereof be timbered, or if stumps are in the way, the timber shall be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it.

Ditch along road.
Timber or stumps in the road.
Construction of the road.

28. The removal of the timber, grubbing, and spreading of the earth, together with such portion of the cost of the ditch as the assessors may deem just and proper, shall be charged to the municipality and paid out of its general funds.

Charges for ditch, grubbing, &c.

29. The council of the municipality which asked for the drainage, or where the drainage was asked for by a majority of the owners resident on the land to be drained or benefited, or by a majority of all the owners, then the council of such municipality shall, within one month after the Assessment Roll has been finally settled by the Court of Revision, judge or arbitrators (as the case may be), deposit a duplicate of the same with the Commissioner of Public Works, and a duplicate of the same shall also be deposited with the Registrar of the county or riding in which the said lands are situate, or if they be situate in more counties or ridings than one, then with the Registrar of each of such counties or ridings, together with a proper map or plan annexed thereto, describing the township and the several lots or parcels of land, and road or roads to which such Assessment Roll or award relates; and the Registrar is hereby required to receive the same, and to endorse thereon the date at which it was deposited with him: and such Assessment Roll when so finally settled and deposited, shall be binding and conclusive on all parties: and a copy thereof certified by any such Registrar, shall be evidence that the assessment was duly done.

Deposit of duplicates of assessment rolls.

Proof of assessment roll.

30. The council of every municipality within which or along any

Councils to pass by-laws

to collect
assessments.

any town line of which drainage works have been completed, shall, within three months after the Assessment Roll has been finally settled, pass a by-law, requiring that the amount of money to be collected and charged on the several lots or parcels of land or roads by such municipality, shall be placed on the collector's roll, from year to year, to be collected and paid over as prescribed in the following section.

Assessment to
be a first
charge on the
land

31. The respective sums of money which, by the aforesaid Assessment Roll, shall be specified as the proportions or contributions payable in respect of the roads or several parcels or lots of land so drained, or improved by drainage, or by any works under the aforesaid Act, towards the total amount of the sums expended on and about such drainage, or improvements as aforesaid, shall be charged on such several parcels or lots of land, and that in preference to, and with priority over all incumbrances on such land, in manner following, that is to say, each several parcel or lot of land shall be charged with a payment to Her Majesty, of a rent-charge after the rate of seven and sixty one-hundredth dollars per centum per annum rent for every one hundred dollars charged on such several parcels or lots, or roads, and so in proportion for every lesser amount, to be payable for the term of twenty-two years, to be computed from the first day of January in every year; the first of such payments to be made on the first day of January that shall happen next after the final settlement or revision of the Assessment Roll.

Collection of
rent-charge.

32. Every rent-charge which shall have become charged on land by virtue of this Act, shall, except as hereinafter provided, be entered by the clerk of the municipality in which the said land is locally situate, in a column of the Collector's Roll, to be headed "Charge under Drainage Act," and shall be collected and be recoverable by the council of the said municipality, by the same means, and in the like manner in all respects as municipal rates and taxes are collected and recoverable under the "Assessment Act of 1869"; and the amount thereof shall be remitted by the local treasurer or chamberlain to the Treasurer of Ontario, within the space of one month after the same shall have become exigible, with interest at the rate of seven per centum during the non-payment; and the council of every such municipality shall assess and levy on the whole ratable property, within its jurisdiction, a sufficient sum in each year to enable the treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario, the amount of such rent-charge, within the space aforesaid, whether the same may have been previously recovered from the parties or lands charged with the same or not; and the amount hereby appointed to be remitted by the local treasurer to the Treasurer of Ontario shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever by-law they may have been raised; and no treasurer or other officer of the municipality, shall, after

payable by
way of rent-
charge.

Remittance to
Provincial
Treasurer.

Municipal
Council to
remit annual
rent-charge
though not
collected.

Provisions for
securing pay-
ment to
Provincial
Treasurer.

after the passing of this Act, pay any sum whatsoever, except for the ordinary current disbursements and salaries of clerks and other employees of such municipality out of any funds of the municipality in his hands, until the sum then payable by the municipal treasurer to the Treasurer of Ontario, in respect of such rent-charge, shall have been paid to him; and if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanour, and shall, moreover, be liable to the Treasurer of Ontario for every sum so paid as for money received by him for the Crown; and any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect, shall also be personally and individually liable to the Treasurer of Ontario, for the full amount of the said rent-charge to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof.

33. In case any land which shall be drained or improved by drainage under this Act shall, at the time of making the said Assessment Roll, not be in the actual possession of the owner or proprietor, but be held under him by some other person or persons by virtue of a lease, agreement, or other instrument, having more than one year to run, then, and in such case, the said assessors shall determine the amount of increased rent or tax which such tenant or occupier shall pay in consequence of any improvement in such land, regard being had to the duration, extent and value of the interest of such occupant in the premises, and to the particular circumstances of the case; and the landlord of such tenant and occupant shall have the same remedies for the recovery of such increased rent as he was entitled to for the rent originally stipulated; and the decision of the said assessors shall be signified by indorsement on the lease or instrument under the hands of the said assessors; and every such tenant and occupier who shall pay for the land in his occupation any sum charged thereupon, under and by virtue of the provisions of this Act, shall be, and he is hereby authorised to deduct and retain out of his rent the amount of the sum of money which he shall so pay as aforesaid; but nothing herein contained shall extend, or be construed, to enable any occupier or lessee to deduct from his rent any costs or expenses incurred by non-payment of the moneys hereby imposed or authorised to be paid.

If land improved be occupied by some other than the proprietor under some agreement, the assessors to determine the increased rent or tax.

Remedy therefor.

Case of payment by occupant of the rent-charge.

34. Wherever a rent-charge shall have become charged on land belonging to Her Majesty, the said rent-charge shall not be levied or collected by the council of the municipality in which the said land is situated, or their collector, treasurer, or officer, but the said rent-charge as it falls due, or in lieu thereof the principal sum to which the said rent-charge may correspond, shall be paid over by the Commissioner of Crown Lands to the

In case of Crown lands, Commissioner of Crown Lands to pay rent-charge.

Treasurer

Separate
accounts
therefor.

Treasurer of Ontario for Her Majesty's behoof, and the sum or sums so paid over shall be entered by the said Treasurer in the separate account hereinbefore appointed to be opened in the books of his department; and the said rent-charges, or the principal sums received in lieu thereof, and also all other rent-charges or principal sums received in lieu thereof, may continue to be applied in carrying out the purposes of this Act.

Disputes as to
boundaries to
be settled by
the assessors.

35. If any dispute or difference shall arise between any parties interested or claiming to be interested in any land or water to be drained or improved in pursuance of this Act, touching and concerning any boundaries, or any other rights or interests which the said parties, or any of them, shall have or claim to have in or over any such land or water, or touching any other matter relating thereto, it shall be lawful for the aforesaid assessors as well by the examination of witnesses upon oath, as by all other proper and sufficient evidence, to examine into, hear and determine the same, and such determination shall be binding and conclusive upon all parties for the purpose of this Act, but not further or otherwise.

Disputes as to
damages to be
referred to
arbitration.

36. Should any dispute arise between individuals, or between individuals and a municipality, or company, or between a company and municipality, or between municipalities, as to damages alleged to have been done or to be done to the property of any municipality, individual, or company, in the construction of drainage works, or consequent thereon, then the municipality, company, or individual complaining, shall refer the matter to arbitration, as provided in an act passed during the present session, and intituled "An Act respecting Municipal Institutions in the Province of Ontario;" and the awards so made shall be binding on all parties.

Assessment
of municipali-
ties when two
or more muni-
cipalities der-
ive benefit
from drainage
works, and
damages
awarded.

37. In cases where two or more municipalities, which will jointly participate in the benefit of any drainage works, have applied in manner hereinbefore prescribed, to the Commissioner of Public Works, either on the written application of the council of any such municipality, or by petition of the majority of all the owners, or of a majority of the owners, as shewn by the last revised assessment roll to be resident on the property described in the petition, in any such municipality, or by the council of one municipality and a majority as aforesaid of the owners of land in another municipality described in the petition for the drainage of such property, and such drainage has been undertaken and completed by the Commissioner of Public Works, and an award for damages has been made under the next preceding section, then the amount so awarded in respect of such damages shall be estimated and assessed as part of the cost of the drainage works which caused them; and all the assessors appointed by such municipalities as hereinbefore prescribed, being three in number for each municipality, or the official arbitrators, or the persons appointed by the Commissioner of

of Public Works, as the case may be, shall act in conjunction in making the assessment throughout each and all of such municipalities, and such assessment shall be made in the same manner and with the same formalities as are herein prescribed in the case of a single municipality.

38. The assessors, official arbitrators, or persons appointed by the Commissioner of Public Works, as the case may be, shall, when they have completed the assessment mentioned in the preceding section, deposit an attested copy of their assessment roll with the judge of the county in which such municipalities are situate, and such assessments shall be subject to the like appeal to such judge, as assessments in regard to a single municipality.

Assessment roll to be deposited with county judge.

39. The said judge shall upon receiving such assessment roll, forthwith publish it in manner hereinbefore provided in regard to a single municipality, together with a notice that he will, at such time, being not earlier than twenty, nor later than thirty days from the day on which the assessment roll was first published, and place as he may appoint, hear and determine all matters in dispute in regard to such assessment; and his decision thereon shall be absolute and final, and such judge shall in all such matters have the powers and duties mentioned in section twelve of this Act.

Appeals from assessment.

40. The said judge shall not be liable either personally or officially, for the cost of said publication, but shall be considered as acting therein as the duly authorized agent of the municipalities interested, which alone shall be liable for the said cost, in the proportion to be settled by the said judge, based upon the proportional amount assessed against each municipality.

Cost of publication.

41. Where in the case of two or more municipalities which will jointly participate in the benefit of any drainage works, an award for damages has been made under section thirty-six, but the assessors for such municipalities are unable to agree upon a general assessment throughout each and all of such municipalities, then the three assessors for any single municipality may jointly make a separate assessment roll for all such municipalities, an attested copy of which shall be deposited with the county judge, and the said judge, at such time and place as he shall appoint, shall hear and determine all differences between the said assessors as to such assessment, whether as regards the total amount thereof, or as regards the mode in which the same is to be apportioned between the several municipalities and the lands therein, and the decision of the said judge on all such matters shall be final and binding upon all the municipalities interested.

Assessment when assessors are unable to agree.

42. The provisions of this Act are substituted in lieu of the Act hereby repealed, and shall, as far as possible, apply to all drainage

Extent of applications of the Act.

drainage works executed or undertaken under the said repealed Act, in respect of which no award has been made.

33 V., c. 2, repealed except as to works for which award made.

43. The Act passed in the thirty-third year of the reign of Her Majesty, chaptered two, known as "The Ontario Drainage Act" is hereby repealed, except as to drainage works executed thereunder, in respect of which an award has been made.

Short title.

44. This Act may be cited as "The Ontario Drainage Act of 1873."

CAP. XXXIX.

An Act to authorize the investment of certain moneys in debentures to be issued for the construction of Drainage Works by Municipalities.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

35 Vic. c. 26 repealed.

1. The Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered twenty-six, intituled "An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works," is hereby repealed, and the following substituted therefor.

Municipal Councils may pass by-laws.

2. In case the majority in number of the owners as shewn by the last revised assessment roll to be resident on the property to be benefited in any part of any municipality, do petition the council for the deepening of any stream, creek or water-course, or for draining of the property (describing it), the council may procure an examination to be made by an engineer, or provincial land surveyor, of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or provincial land surveyor, and an assessment to be made by such engineer or surveyor of the real property to be benefited by such deepening or drainage, stating as nearly as may be in the opinion of such engineer or provincial land surveyor, the proportion of benefit to be derived by such deepening or drainage by every road and lot, or portion of lot: and if the council be of opinion that the deepening of such stream, creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws, in form or to the effect set forth in schedule A to this Act,—

(1.)

(1.) For providing for the deepening of the stream, creek, or water-course, or the draining of the locality ;

for deepening
streams and
drainage,

(2.) For borrowing, on the credit of the municipality, the funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less than one hundred dollars each and payable within fifteen years from date, with interest at a rate of not less than five per centum per annum ;

for borrowing
requisite
funds,

(3.) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, (including roads held by joint stock companies or private individuals,) as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality : Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionally reduced ; And provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining under this Act, unless such agreement shall in express terms mention or refer to such charges or assessments, and as payable in respect of drainage works ; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase ;

Landlord and
tenant

Rights o
purchase

(4.) For regulating the times and manner in which the assessment shall be paid ;

for providing
how assess-
ment be paid,

(5.) For determining what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of overcharge, or of undercharge of any other property assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaint, and appeal therefrom, in like manner as nearly as may be as on proceedings for the trial of complaints, as set forth in the sixtieth, sixty-first, sixty-third, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of "The Assessment Act of 1869."

for ascertain-
ing the prop-
erty liable to
the rate.

3. Trial of such complaints shall be had in the first instance

Court of
Appeal.
by

by and before a Court of Revision, which the council shall, from time to time as occasion may require, hold, on some day not earlier than twenty nor later than thirty days from the day on which the by-law shall be first published, notice of which shall be published with the by-law during the four weeks of its publication; and such court shall be constituted and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the said Act; and in case of appeal to the judge, junior or acting judge of the County Court, he shall have the same powers and duties, and the clerks of the municipality and Division Court respectively, shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive, of the said Act.

Appeal to
County Judge.

4. Before the final passing of the by-law, it shall be published once or oftener in every week for four weeks, in some newspaper in the municipality, or if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, and also notices in at least four public places within such municipality, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must, within ten days after the passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose to one of Her Majesty's Superior Courts of Law at Toronto, during the term next ensuing the final passing of the by-law.

Notice before
passing of
by-law.

By-law to be
valid though
informal, if
not quashed.

5. In case no such notice of intention to make application to quash a by-law be served within the time limited for that purpose in the fourth section of this Act, the by-law shall, notwithstanding any want of substance or form either in the by-law itself, or in the time or manner of passing the same, be a valid by-law.

When work
may be ex-
tended into
other munici-
palities.

6. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced.

When lands in
an adjoining
municipality
may be
charged,
though works
not carried
into such
municipality.

7. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or surveyor aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between two or more municipalities, then the engineer or surveyor aforesaid, shall charge the lands to be so benefited, and the corporation or corporations or company whose road or roads are im-

proved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or company.

8. The engineer or surveyor aforesaid, shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion. Report as to which municipality shall pay.

9. The engineer or surveyor aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein. Plans, &c.

10. The Council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or surveyor aforesaid, when necessary, so far as they affect such last mentioned municipality; and unless the same is appealed from as hereinafter provided, it shall be binding on the Council of such municipality. Council of municipality wherein work begun to notify municipality to be benefited.

11. The Council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law in the same manner as if a majority of the owners resident on the lands to be taxed had petitioned as provided in the first section of this Act, to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators. Council of municipality wherein work not begun to pass by-law.

12. The Council of the municipality into which the deepening or drainage is to be continued, or whose lands, road, or roads are to be benefited without the deepening or drainage being carried within its limits, may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator, and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice; and in default thereof it shall be lawful for the council of the municipality appealing therefrom to appoint such second arbitrator, and the two arbitrators so appointed

appointed shall forthwith appoint a third arbitrator in the matter: Provided always, that in no case shall the engineer or surveyor aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator.

Appointment
of third arbi-
trator by
County Judge.

13. If, after the arbitrators have been appointed as aforesaid, they fail or neglect for the space of six days to appoint a third arbitrator, the judge of the county court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator,

Oath by arbi-
trators.

14. Each arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affirmation) before any justice of the peace; which oath or affirmation shall be filed with the award.

I, A. B., do swear (or affirm) that I will well and truly try the matter referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God.

Award.

15. The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties; and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall be filed with the registrar of deeds for the county in which either of the municipalities is situate.

Decision of
majority
arbitrators.

16. In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

Repairs and
maintenance
of work after
completion.

17. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators, (as the case may be) or until otherwise determined by the engineer or arbitrators, under the same formalities, as near as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the engineer or surveyor may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued from any court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage

damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal; and in any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such deepening or drainage, it shall be the duty of the municipality making such deepening and drainage to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the award or by-law as finally passed; Provided always, that the council may from time to time change such assessment on the report of an engineer or surveyor, appointed by them to examine and report on such drain deepening and repairs.

18. Should a drain already constructed, or hereafter constructed by a municipality, be used as an outlet, or otherwise, by another municipality, company, or individual, such municipality, company, or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer, surveyor, or arbitrators, under the formalities provided in the preceding sections.

Case of a drain being used by another municipality.

19. Any Township Municipality proposing to undertake works under the provisions of this Act may, after the expiration of the time limited for serving notice of intention to make application to quash the by-law, deposit with the Commissioner of Public Works authenticated copies of the plans (if deemed necessary by the Commissioner), specifications and estimates of the works, and of the by-law; and may apply for the sale of the debentures authorized thereby, such application to be in writing, sealed with the seal of the Municipality, and signed by the Reeve or other head officer thereof, and to be accompanied by two affidavits, one to be made by the said Reeve or other head officer, in form or to the effect set forth in schedule B to this Act, and the other to be made by the Clerk of the Municipality, in form or to the effect set forth in schedule C to this Act; said affidavits to be sworn before any justice of the peace.

Deposit with Commissioner of Public Works of copies of plans, &c.

20. The Commissioner of Public Works shall investigate and report to the Lieutenant-Governor in Council, as to the propriety of the investments proposed in such applications, in the order of time in which they are deposited; and such reports shall be disposed of by the Lieutenant-Governor in Council in the order of time in which the same are made.

Commissioner of Public Works to report as to investment.

21. The Lieutenant-Governor in Council may from time to time in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the

Purchase out of Cons. Rev. Fund of debentures.

sum

sum of two hundred thousand dollars, in the purchase of any debentures issued under any by-law so deposited as aforesaid, in respect of which the Commissioner of Public Works shall certify to the propriety of the investment.

Per centage to be advanced on debentures.

22. On any such investment not more than eighty-five per centum of the par value of the debentures shall be advanced until after the Commissioner of Public Works has reported that the works have been inspected and are completed; and any expenses in connection with the investigation and inspection made under this Act shall be deducted from the amount retained.

When Debentures unquestionable.

23. After any such investment has been made, the debentures shall not be questioned, and shall be deemed to be valid to all intents and purposes.

When the Commissioner shall not report propriety of investment.

24. The Commissioner of Public Works shall not certify to the propriety of the investment in any case in which the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality and the interest and principal of the debts contracted by the municipality shall exceed the aggregate value of three cents in the dollar on the whole value of the ratable property within its jurisdiction, or in any case in which the debentures to be issued under the by-law shall exceed twenty thousand dollars.

Amount payable under By-law to be remitted to Treasurer of Ontario.

Consequences of neglect.

Duty and liability of Municipal Treasurer after default.

25. The amount payable in any year under any such by-law or debentures, for principal and interest, shall be remitted by the Treasurer to the Treasurer of Ontario, within the space of one month after the same shall have become exigible, together with interest at the rate of seven per centum per annum, during the time of default in payment; and in case of the continuance of such default, the council of the municipality shall in the next ensuing year, assess and levy on the whole ratable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sufficient sum to enable the Treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario the amount in arrear, together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment, whether the same may have been previously recovered from the parties or lands chargeable under the by-law with the same or not; and the amount so in arrear and interest shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever by-law they may have been raised; and no Treasurer or other officer of the municipality shall, after such default, pay any sum whatsoever, except for the ordinary current disbursements, and salaries of clerks and other employees of such municipality, out of any funds of the municipality in his hands, until the amount so in arrear and interest shall have been paid to the Treasurer of Ontario; and

if

if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanour, and shall, moreover, be liable to the Treasurer of Ontario for every sum so paid, as for money received by him for the Crown; and any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect shall also be personally and individually liable to the Treasurer of Ontario for the full amount so in arrear and interest, to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof: Provided always, that no assessment, levy or payment, made under this section, shall in anywise exonerate the persons or lands chargeable under the by-law from liability to the municipality.

Liability of
Reeves and
Councillors

26. Any valid by-law in regard to Drainage passed between the second day of March, in the year of our Lord one thousand eight hundred and seventy-two and the date of the passing of this Act, under the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered forty-three, intituled "An Act to amend the Municipal Institutions Act of Upper Canada," shall, so far as regards the investment of any surplus of the Consolidated Revenue Fund in the purchase of Debentures issued under such by-law, stand upon the same footing as if such by-law had been passed and such Debentures had been issued under the Act hereby repealed.

Act to apply to
former by-
laws.

27. Should any dispute arise between individuals, or between individuals and a municipality, or company, or between a company and municipality, or between municipalities, as to damages alleged to have been done to the property of any municipality, individual, or company, in the construction of drainage works, or consequent thereon; then the municipality, company, or individual complaining shall refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties.

Disputes as to
damages to be
referred to
arbitration.

28. In case any person should find it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality, refuse to continue such drain to an outlet, or to join in the cost of the continuation of such drain; then the firstly mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of such adjoining lot, or municipality, the same shall be determined by the fence viewers in the same manner as disputes within the Fence Viewers' Act, and their award shall be final.

Continuing
under-drains
across adjoining
lots or
highways.

29. This Act may be cited as the "Municipal Drainage Aid Act"

Short title.

SCHEDULE

SCHEDULE "A"

(Section 2.)

FORM OF BY-LAW.

A By-Law to provide for draining parts of (or for the deepening of in, *as the case may be*) the Township of , and for borrowing, on the credit of the municipality, the sum of for completing the same.

Provisionally adopted, the day of , A.D.

Whereas a majority in number of the owners as shewn by the last revised assessment roll to be resident on the property hereinafter set forth, to be benefited by the drainage (or, deepening, *as the case may be*), have petitioned the council of the said Township of , praying that (*here set out the purport of the petition, describing generally the property to be benefited:*)

And whereas, thereupon the said council procured an examination to be made by , being a person competent for such purpose, of the said locality proposed to be drained (or, the said stream, creek or watercourse proposed to be deepened, *as the case may be*), and has also procured plans and estimates of the work to be made by the said , and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, *as the case may be*), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (or deepening, *as the case may be*), by every road and lot or portion of lot, the said assessment so made, and the report of the said in respect thereof, and of the said drainage (or deepening, *as the case may be*) being as follows: (*here set out the report and assessment of the engineer or other person employed:*)

And whereas, the said council are of opinion that the draining of the locality described (or, the deepening of such stream, creek, or watercourse, *as the case may be*) is desirable:

Be it therefore enacted by the said municipal council, of the said Township of , pursuant to the provisions of an Act of the Legislature of Ontario, passed in the thirty-sixth year of Her Majesty's reign, chaptered :

1st. That the said report, plans and estimates be adopted, and the said drain, (or deepening, *as the case may be*) and the works connected therewith, be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of the sum of , being the funds necessary for the work, and may issue debentures of the corporation to that amount, in sums of not less than one hundred dollars each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say in (*insert the manner of payment, whether in equal annual payments or otherwise*)

otherwise), such debentures to be payable at _____, and to have attached to them coupons for the payment of interest.

3rd. That the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lands, being the lands so to be benefited as aforesaid, and shall be paid at the times and in the manner also undermentioned, (*here set out the lots and portions of lots, and roads, with the amounts assessed*), in manner following, or to that effect:—

Concession.	Lot.	Acres.	\$	cts.
9	5	200	75	00
9 S. $\frac{1}{2}$,	6	100	50	00
9 N. $\frac{1}{4}$,	6	50	30	00
10 S.-W. $\frac{1}{2}$,	8	100	80	00
10	9	200	150	00
10 S. $\frac{1}{4}$ and N. $\frac{1}{4}$.	10	150	90	00
Chargeable to municipality for roads—			120	00

\$595 00

4th.—For the purpose of paying the sum of _____, being the total amount assessed as aforesaid against the said roads (*or lands, as the case may be,*) of the said corporation, a special rate of _____ in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied,) upon the whole ratable property in the said Township of _____, in each year, for the period of _____ years, after the date of the final passing of this by-law.

Finally passed on the _____ day of _____, A.D.

SCHEDULE B.

(Section 19.)

AFFIDAVIT OF REEVE OR OTHER HEAD OFFICER.

County of _____ } I,
To Wit. } of the _____ of
in the County of _____
and Province of Ontario, (*Reeve*) of the
Township of _____ make oath and say :

1. On the _____ day of _____
in the year of our Lord _____
the Municipal Council
of the said Township of _____ passed a
By-law in regard to the Drainage of a certain portion of the
said Township, a true copy of which is now shewn to me
marked "A."

2. Before the said _____ day of _____ the said By-law, together with a notice that any one intending to apply to have such By-law, or any part thereof, quashed, must, within ten days after the passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose to one of Her Majesty's Superior Courts of law at Toronto, during the term next ensuing the final passing of the By-law, and together with a notice of the time of holding the Court of Revision of the said Township, was published on (*insert dates of publication*) in the (*insert name of newspaper*) a newspaper published at _____ in the Township of _____ (*if published in another municipality add: being the nearest municipality to the said Township of _____ in which a newspaper is published, there being no newspaper published in the said Township of _____*) a copy of which newspaper containing the said By-law and notice is now shewn to me marked "B."

3. I have not been served with any notice of intention to make application to quash said By-law, nor with any notice of intention to make application to quash any part thereof, nor with any notice to that or the like effect.

4. To the best of my knowledge, information and belief, no person assessed by the said By-law paid the amount of his assessment less the interest, or any part thereof, at any time before the actual issue of the Debentures thereunder, which were issued on the _____ day of _____ in the year of our Lord _____

5. The amount of the rates assessed as set forth in said By-law have not been altered by the Court of Revision for the said Township of _____ nor by the County Judge, nor has the said By-law been repealed or amended by the said Council of the said Township of _____ but the said By-law is to all intents and purposes the same, and as valid and subsisting as it was when finally passed on the said _____ day of _____ in the year of our Lord _____

6. The copies of the specifications, and estimates for the said Drainage now shewn to me and marked _____ are true and authentic copies of the specifications, and estimates made by _____ for the said Drainage, as mentioned in the said By-law.

Sworn, &c.

tain authority, as hereinafter mentioned, be at liberty to take, acquire, hold and use such portions of the said lands, as may be found necessary to complete his privilege for any of the said works, including the right to divert the waters of any stream into other channels, and the raising of an increased head of water when deemed requisite, and including also all such races, dams and erections, and the making, strengthening and repairing of the same, as may be necessary for, or in connection with any such work; making compensation therefor as hereinafter provided.

Occupied mill privilege not to be interfered with.

2. No occupied mill privilege or water power shall be in any manner interfered with or encroached upon under the authority of this Act without the consent of the owner thereof.

Ponds not to exceed twenty acres, unless on order of county judge.

3. No pond created or partly created under the authority of this Act shall exceed in extent twenty acres, unless the judge of the county court having jurisdiction, as hereinafter mentioned, by an order to be made by him shall order and direct otherwise, and shall in and by such order fix the extent of such pond.

Proceedings for obtaining the powers given by this Act.

4. Any person who desires to obtain or exercise the powers hereinbefore mentioned, or any of them, shall proceed as follows:—

Firstly,—He shall cause surveys and levels to be taken and made of the lands sought to be taken or acquired, held, used or otherwise affected, together with a map or plan thereof:

Secondly,—He shall cause to be prepared a statement giving

1. A general description of the said lands;

2. The names of the owners and occupiers thereof, so far as they can be ascertained; and

3. Everything necessary for the right understanding of such map or plan, including a registrar's certified abstract of the titles to all the lands, to be affected by the application.

Thirdly,—He shall cause to be filed in the office of the clerk of the county court of the county wherein the lands or any part thereof are situate the said map or plan and the said statement, and shall then apply to the judge of the said county court for an order to empower him to exercise the said powers or such of them as he may desire.

Practice to be the same as in partition of real estate.

5. The practice upon and in reference to the said application shall be the same as if the said application were for an order or rule for the partition of real estate under the provisions of any of the Acts in reference to such partition.

If the application is for the public good, judge to grant an order.

6. If such judge shall be of opinion that the allowance of said application will conduce to the public good and is proper and just under all the circumstances of the case, he shall make an order describing the lands affected thereby and empowering such person to exercise the said powers or such of them as he may

may deem expedient, for such time and on such terms and conditions as he shall determine.

7. In and by such order the said judge shall state the height to which such dam may be built, and he shall assess the sum to be paid as the value of the land to be taken or used, and of the damages, if any, which ought to be paid as compensation by such person for any injury thereby done, and shall make such order as to costs as to him shall seem just, and such costs shall be the same as in ordinary proceedings in the county court, and shall be taxed by the clerk thereof. Nature of the judge's order.

8. The money, or sum assessed, together with the costs awarded, if any, shall be paid to the person entitled thereto, according to such award, or paid into the Court of Chancery, as the said judge may direct, before the powers aforesaid, or any of them shall be exercised, and within sixty days after the said award is made; and if same are not so paid within the said time, the said order may be proceeded upon as if it had been made in any suit or cause, in the said county court, or in either of Her Majesty's superior courts of common law at Toronto; or the said order may, at the option of the parties entitled to receive the sums awarded, or of any of them, be set aside and vacated. Payment of amount awarded. Setting aside order.

9. Upon the payment of the said sum awarded, and costs, if any, as aforesaid, the person obtaining such order shall be entitled to a conveyance of the lands or the rights (as the case may be,) mentioned in the said order; and in case of dispute, such conveyance shall be settled by the said judge, and such person shall be further entitled to have and exercise such of the privileges mentioned in the first section of this Act as he is authorized in and by such order to exercise. Conveyance of the lands.

10. The said judge shall be entitled for his services to have and receive to his own use the like fees as are allowed to professional arbitrators. Judge's fees.

11. No such dam may be erected, or other powers exercised to the injury of any mill lawfully existing, either above or below it on the stream, nor shall the privilege of such owner be affected by the erection thereof. Existing mills not to be injured.

12. The said judge shall have the same and like powers as to compelling the attendance and examination of witnesses, the production of documents, and otherwise, as are possessed by him, or by any county court, in any cause, suit, matter or other proceeding carried on or pending in such county court. Attendance of witnesses.

13. This Act shall not authorize the navigation of any stream or river to be interfered with, and shall not authorize any stream of water to be so obstructed by the construction of any such Obstructing navigation and the floating of timber.

such work as aforesaid as to prevent timber or logs floating down such stream during high water.

Registration of
judge's order.

Pleading the
order, and
effect of.

14. The order of the judge may, upon the mere production thereof, be entered and registered in the registry office of the county or counties in which the said lands or any of them are situate; and shall operate and may be pleaded as an effectual bar to any action, suit or proceeding which may be brought in any court in this Province in respect of the said lands or any part thereof.

CAP. XLI.

An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered thirty-one, in reference to Joint Stock Road Companies.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31st V., c. 31,
s. 14, amended

If purchaser
do not repair
the road, it is
to revert to
municipality.

Arbitration
enactments to
apply.

Roads affected
by this act.

1. Section fourteen of the Act passed in the thirty-first year of Her Majesty's reign, and chaptered thirty-one, is amended by adding thereto the following—that is to say: “Provided always, that unless such purchaser shall, within twelve months from and after the time when he shall have reimbursed and paid to the municipal council mentioned in the third section of the said statute the amount of said outlay as above provided, cause the said road or such portion or portions thereof as are out of repair within the meaning of this Act, to be put in a proper state of repair, and procure the certificate of the engineer that such has been done, and shall thereafter keep the said road, and every portion thereof, in a proper state of repair, within the meaning of chapter forty-nine of the Consolidated Statutes for Upper Canada relating to joint stock companies for the construction of roads and other works in Upper Canada, and the Acts amending the same, such purchaser shall forfeit his property in such road or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the municipality or municipalities in the same way as if this section and the next preceding one had not been enacted; Provided that all the enactments in reference to arbitration in this Act hereinbefore contained shall apply to this section.”

2. This Act shall apply to all roads or parts or portions of roads, the outlay upon which shall have been heretofore reimbursed and paid to the municipal council as provided in the above mentioned Act.

CAP.

CAP. XLII.

An Act further to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered thirty-one, in reference to Joint-Stock Road Companies.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any purchaser who shall, on or before the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, have reimbursed and paid to any municipal council the amount of outlay as provided by chapter thirty-one of the Acts passed in the thirty-first year of the reign of Her Majesty Queen Victoria, but who shall not, on or before that day, have caused the road, or such portion or portions thereof as are out of repair, within the meaning of the said chapter thirty-one, to be put in a proper state of repair, or who shall not have kept the same, and every portion thereof, in a proper state of repair within the meaning of chapter forty-nine of the Consolidated Statutes for Upper Canada, shall not forfeit his property in such road, or in the part or parts thereof purchased by him, if he shall, within twelve months from the said first day of July, cause the said road, or such portion or portions thereof as are out of repair within the meaning of said Act, to be put in a proper state of repair, and procure the certificate of the engineer that such has been done, and shall thereafter keep the said road, and every portion thereof, in a proper state of repair, within the meaning of said chapter forty-nine of the Consolidated Statutes for Upper Canada relating to joint-stock companies for the construction of roads and other works in Upper Canada, and the Acts amending the same.

Extension of time to purchasers who, before 1st July, 1873, have paid to municipalities the amount of outlay, but have not repaired, to repair the roads.

CAP. XLIII.

An Act respecting the Public Health.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Health officers
may enter and
examine pre-
mises.

1. The health officers of any municipality or police village in Ontario, or any two of them, may, in the day time, as often as they think necessary, enter into and upon any premises in the place for which they hold office, and examine such premises.

Power to order
cleansing.

2. If upon such examination they find that the premises are in a filthy or unclean state, or that any matter or thing is there which, in their opinion, may endanger the public health, they or any two of them, may order the proprietor or occupant of the premises to cleanse the same and to remove what is so found there.

Powers to offi-
cers to cleanse.

3. Such health officers, in case the proprietor or occupier of the premises neglect or refuse to obey their directions, may call to their assistance all constables and any other persons they think fit, and may enter on the premises and cleanse the same, and remove therefrom and destroy what in their opinion it is necessary to remove or destroy for the preservation of the public health.

When inhabi-
tants of a
house may be
removed.

4. Whenever a disease of a malignant and fatal character is discovered to exist in any dwelling-house or out-house temporarily occupied as a dwelling, in a city, town, village, or township in Ontario, or within a mile thereof, and which house is situated in an unhealthy or crowded part of the city, town, village, or township or adjoining country, or is in a filthy and neglected state, or is inhabited by too many persons, the health officers of the municipality or a majority of them may, at the expense of the municipality, compel the inhabitants of such dwelling-house or out-house to remove therefrom, and may place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken under the direction and at the expense of the municipality, for the immediate cleansing, ventilation, purification, and disinfection of such dwelling-house or out-house.

Medical men
may be autho-
rized by the
officers to
examine.

5. Such health officers or a majority of them may also, by warrant under their hands, authorize any two medical practitioners to enter in and upon any house, out-house, or premises in the day time for the purpose of making enquiry and examination with respect to the state of health of any person therein; and may also, upon the report of such medical practitioners in writing recommending the same, cause any person found therein infected with a dangerously contagious or infectious disease to be removed to some hospital or other proper place; but no such removal shall take place unless the said medical practitioners shall state in their said report that such person can be removed without danger to life, and that such removal is necessary in order to guard against the spread of such disease to the adjoining house or houses.

On report of
medical men,
persons infect-
ed may be
removed.

Who shall and
may be health
officers.

6. The members of the municipal council of every township, city,

city, town and incorporated village, and the trustees of every police village shall be health officers within their respective municipalities, under the preceding sections of this Act; but any such council may by by-law delegate the power of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best.

7. The Lieutenant-Governor in Council may make and declare such regulations concerning the entry or departure of boats or vessels at the different ports or places in Ontario, and concerning the landing of passengers or cargoes from such boats or vessels, or the receiving passengers and cargoes on board of the same, as may be thought best calculated to preserve the public health.

Lt.-Governor may regulate vessels, &c., in port, and landing, &c., of passengers and cargoes.

8. Whenever this Province, or any part thereof, or place therein, appears to be threatened with any formidable epidemic, endemic, or contagious disease, the Lieutenant-Governor may, by proclamation, to be by him from time to time issued, by and with the advice and consent of the Executive Council, declare the subsequent sections of this Act to be in force in this Province, or in any part thereof or place therein, mentioned in such proclamation; and it shall thereupon be in force accordingly.

When epidemic, &c., probable, Lt.-Governor may proclaim following sections in force.

9. The Lieutenant-Governor may, in like manner, from time to time, as to all or any of the parts or places to which any such proclamation extends, revoke or renew any such proclamation; and subject to revocation and renewal, as aforesaid, every such proclamation shall have effect for six months, or for any shorter period in such proclamation expressed.

Power to revoke, renew, and limit duration of proclamation.

10. Upon the issuing of any such proclamation, and whilst the same is in force, the first five sections of this Act shall be suspended as to every place mentioned in such proclamation, or being within any part of this Province included thereby, unless it be by the said proclamation declared that such sections or any of them shall be continued in force.

On proclamation, the first five sections suspended unless excepted.

11. From time to time, after the issuing of any such proclamation, and whilst it is in force, the Lieutenant-Governor may, by commission under his hand and seal, appoint five or more persons, to be "The Central Board of Health," and also such officers and servants as he deems necessary to assist the board; and the powers and duties of the said board may be exercised and executed by any three members thereof; and during any vacancy in the said board, the continuing members or member may act as if no vacancy had occurred.

Central Board of Health, appointment of.

Powers and duties of, how exercised.

12. Every such commission shall, *ipso facto*, be determined by the revocation of the proclamation under which it issued, as

Commission appointing Central Board determined

revocation of
Proclamation.

to all the places included in such proclamation, or by the expiration of six months from the date of such proclamation, or of any shorter period expressed in such proclamation as that during which it is to be in force, unless such proclamation be renewed as to all or some of such parts and places.

Meeting to no-
minate Board
of Health.

13. From time to time, while any such proclamation is in force, the mayor or other head of the municipal corporation, inspecting trustee or other chief municipal officer of any and every place mentioned in such proclamation, or included thereby, may call a special meeting of the council or of the police trustees of such place, over which he presides, for the purpose of nominating a local board of health.

Local Board
of Health, how
appointed.

14. Such municipal corporation or police trustees shall nominate not less than three persons, resident within the limits of their respective jurisdictions (or in the case of a city, town or village, within seven miles thereof), to be "The Local Board of Health" for such place.

Meeting to no-
minate Board
of Health im-
perative on
certain requi-
sitions.

15. Such mayor, or other head of such municipal corporation, inspecting trustee, or other chief municipal officer, shall call such special meeting within two days from the receipt of a written requisition to that effect, signed by ten or more inhabitants, householders of the place, under the jurisdiction of the body over which he presides, on pain of being personally liable to the penalty hereinafter mentioned.

When Lt.-Go-
vernor may
appoint Local
Board.

16. If at any time while any such proclamation is in force, it is certified to the Lieutenant-Governor, by any ten or more inhabitant householders of any place included in such proclamation, that the mayor or other head of such municipal corporation, or inspecting trustee, or other chief municipal officer of such place, has failed to comply with such requisition, within such time as aforesaid, or that such council or trustees have failed to nominate a local board, the Lieutenant-Governor in Council may forthwith appoint not less than three persons, resident within the limits of such place (or in the case of a city, town or village, within seven miles thereof), to be the local board of health for such place.

Till appoint-
ment of local
board, health
officers may
act as such.

17. Until a local board of health be appointed under the provisions of the three preceding sections, the health officers of the municipality shall exercise and perform the powers, authorities and duties of the local board, in conformity with the regulations of the central board, and shall act in every respect as if they were a local board of health appointed under the fourteenth section of this Act.

Appointment
of local board,
when deter-
mined by

18. Every nomination or appointment of a local board of health under the fourteenth or sixteenth sections of this Act shall, *ipso facto*, be determined by the revocation as to the place within the

the limits of which such local board is authorized to act, or as to any place in which it is included, or as to the whole Province, of the proclamation under which such local board was appointed; or by the expiration of six months from the date of such proclamation, or of any shorter period expressed in such proclamation as that during which it is to be in force; unless such proclamation be renewed as to such place, or any place in which it is included, or as to the whole Province.

revocation of
Commission.

19. The central board of health, or any three or more members thereof, may from time to time issue such regulations as they think fit, for the prevention, as far as possible, or the mitigation of such epidemic, endemic or contagious diseases, and may revoke, renew or alter any such regulations, or substitute such new regulations, as to them or any three of them appear expedient.

Power of cen-
tral board to
make regula-
tions to pre-
vent infection,
&c.

20. The said board may, by such regulations, provide :

Powers of cen-
tral board as
to regulations.

1. For the frequent and effectual cleansing of streets by the road surveyors or overseers of highways and others, entrusted with the care and management thereof, or by the owners or occupiers of houses and tenements adjoining thereto;

2. For the cleansing, purifying, ventilating and disinfecting of houses, dwellings, railway stations, churches, buildings, and places of assembly, steamboats, railway carriages and cars, and other public conveyances, by the owners and occupiers, and persons having the care and ordering thereof;

3. For the removal of nuisances;

4. For the speedy interment of the dead;

5. For preventing or mitigating such epidemic, endemic or contagious diseases, in such manner as to the said central board seems expedient.

21. The said central board may by any such regulations authorize and require the local boards of health to superintend and see to the execution of any such regulations; and (where it appears that there may be default or delay in the execution thereof, by want or neglect of such surveyors, overseers, or others intrusted as aforesaid, or by reason of poverty of occupiers or otherwise) to execute or aid in executing the same within their respective limits; and to provide for the dispensing of medicine and for affording to persons afflicted by or threatened with such epidemic, endemic or contagious diseases, such medical aid as may be required; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require.

Power to cen-
tral board to
require local
board to exe-
cute their re-
gulations, &c.

22. The central board of health may also by any such regulations authorize and require the local boards of health, in all cases in which diseases of a malignant and fatal character, are discovered to exist in any dwelling-house, or out-house temporarily occupied

and to remove
inmates of cer-
tain houses.

occupied as a dwelling, situate in an unhealthy or crowded locality, or being in a neglected or filthy state, at the proper costs and charges of such local boards of health to compel the inhabitants of any such dwelling-house or out house, to remove therefrom and to place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken by and under the directions of the local boards of health, for the immediate cleansing, ventilation, purification and disinfection of the said dwelling-house or out-house.

Regulations,
extent of loca-
lity to which
applicable.

23. The directions and regulations to be issued as aforesaid shall extend to all parts or places in which this Act shall, for the time being, be in force under any such proclamation as aforesaid, unless such regulations be expressly confined to some of such parts or places, and then to such parts or places as in such directions and regulations shall be specified, and (subject to the power of revocation and alteration herein contained) shall continue in force so long as this Act shall be in force under such proclamation in the parts or places to which such regulations extend.

Members of
local boards to
be health offi-
cers; powers
of.

24. The members of the said local boards of health shall be called health officers; and any two or more of them acting in the execution of any such regulations as aforesaid, may exercise the like powers and authorities as are conferred upon health officers by sections four and five of this Act.

Powers of offi-
cers if their
orders dis-
obeyed.

25. In case the owner or occupier of any dwelling or premises neglect or refuse to obey the orders given by such health officers, in pursuance of such regulations, such health officers may call to their assistance all constables and peace officers and such other persons as they think fit, and may enter into such dwelling or premises, and execute the same or cause to be executed therein such regulations, and remove therefrom and destroy whatsoever, in pursuance of such regulations it is necessary to remove and destroy for the preservation of the public health.

Expenses of
central and
local boards,
how defrayed.

26. The expenses incurred by the said central board of health shall be defrayed out of any moneys appropriated by the Legislature for that purpose; and the expenses incurred by the said local boards of health in the execution or in superintending the execution of the regulations of the central board, shall be defrayed and provided for in the same manner and by the same means as expenses incurred by the municipal corporations, having jurisdiction over the respective places for which such local boards of health were appointed, are by law required to be defrayed and provided for.

Any two mem-
bers of local
board may or-
der municipal

27. The treasurer of the municipality shall forthwith upon demand pay out of any moneys of the municipality in his hands the amount of any order given by the members of the local board

board or any two of them for services performed under their direction by virtue of this Act. treasurer to pay.

28. Every proclamation of the Lieutenant-Governor in Council under this Act shall be published in the *Ontario Gazette*; and no direction or regulation of the said central board of health shall have any force or effect until it has been confirmed by the Lieutenant-Governor in Council, and has thereafter been published in the *Ontario Gazette*. Proclamation to be published. Regulations of central board invalid till confirmed and published.

29. Such publication of any such proclamation or regulation shall be conclusive evidence of the proclamation or regulation so published, and of the confirmation of such regulation as aforesaid, and of the dates thereof respectively to all intents and purposes; and every such proclamation and regulation shall forthwith upon the issuing thereof be laid before the Legislative Assembly if it be then sitting, and if not, then within the fourteen days next after the commencement of the next session thereof. Publication to be evidence of certain facts. Regulations and proclamation to be laid before Legislative Assembly.

30. Upon the publication of any such regulations as aforesaid, and whilst they continue in force all by-laws of the municipal corporation of any place to which such regulations or any of them relate, made for preserving the inhabitants thereof from contagious diseases or for any other of the purposes for which such regulations are by this Act required to be issued, shall become and be suspended. On publication of regulations certain municipal by-laws cease.

31. Whosoever wilfully disobeys or resists any lawful order of the health officers, or wilfully obstructs any person acting under the authority or employed in the execution of this Act either before or after the appointment of a central board of health, or wilfully violates any regulations made and declared by the Lieutenant-Governor in Council or issued by the central board of health under this Act, or neglects or refuses to comply with such regulations, or with the requirements of this Act in any matter whatsoever, shall be liable for every such offence to a penalty not exceeding twenty dollars, to be recovered by any person before any two justices or a police magistrate, and to be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale by warrant, under the hands and seals of the justices, or hand and seal of the police magistrate, before whom the same are recovered, or under the hands and seals of any other two justices. Penalty for disobedience of orders of officers and regulations.

32. If it appear to the satisfaction of such justices or police magistrate before or after the issuing of their or his warrant, either by the confession of the offender or otherwise that he hath not goods and chattels within his or their jurisdiction sufficient to satisfy the amount, he or they may commit him to any gaol, lock-up, or house of correction for any time not exceeding fourteen days, unless the amount be sooner paid, in the same manner as if a warrant of distress had issued, and a return of *nulla bona* had been made thereon. Committal of offender.

Penalties to be payable to municipality.

33. All penalties whatever, recovered under this Act, shall be paid to the treasurer of the municipality in which such penalties have been incurred for the use of the municipality.

Offences may be prosecuted notwithstanding repeal of proclamation.

34. All offences committed against this Act while the same is in force in this Province, or in any part thereof shall be prosecuted, and the parties committing the same, convicted and punished therefor as herein provided, as well after as during the time that such proclamation or proclamations shall be in force.

No proceeding to be quashed for want of form, or be removable into Superior Court.

35. No order nor any other proceeding, matter or thing done or transacted in, or relating to the execution of this Act shall be vacated, quashed or set aside for want of form or be removed or removable by *certiorari*, or other writ or process whatsoever, into any of the Superior Courts in this Province.

Interpretation.

36. In this Act, the following words and expressions shall have the meaning hereinafter assigned to them, unless such meanings be repugnant to or inconsistent with the context, that is to say, the word "place" shall mean a city, town, village, township, or any other territorial division recognized or designated by law as a separate municipality or municipal division, and shall also mean and include a police village; the word "street" shall include every highway, road, square, row, lane, mews, court, alley, and passage, whether a thoroughfare or not.

Con. Stat. U. C., ch. 59, Con. Stat. Ca., ch. 38, repealed.

37. Chapter fifty-nine of the Consolidated Statutes for Upper Canada is hereby repealed, and chapter thirty-eight of the Consolidated Statutes of Canada is also repealed, so far as the provisions thereof affect the Province of Ontario.

CAP. XLIV.

An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it is desirable and expedient to consolidate and amend the several Acts relating to Mutual Fire Insurance Companies in the Province of Ontario:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

FORMATION OF NEW COMPANIES.

Meetings to establish

1. Ten freeholders in any municipality may call a meeting of the freeholders thereof to consult whether it be expedient to establish

tablish therein a Fire Insurance Company upon the mutual principle. companies,--
how called.

2. Such meetings shall be called by advertisement, mentioning the time, and place within the county in which the municipality may be situate, and the object of the meeting; and the said advertisement shall be published for three weeks in one or more of the newspapers published in said county. Advertisement
calling such
meeting.

3. If thirty freeholders of such municipality are present at such meeting, and a majority of them determine that it is expedient to establish a Mutual Fire Insurance Company, they may elect three persons from among them to open and keep a subscription book, in which the owners of property, moveable or immoveable, within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the said company. Subscription
books.

4. Whenever fifty or more persons, being owners of moveable or immoveable property in the Province of Ontario, shall have signed their names in said subscription book, and bound themselves to effect insurances in said company, which in the aggregate shall amount to one hundred thousand dollars at least, a meeting shall be called, as hereinafter provided. When meeting
may be called.

5. As soon as convenient after the subscription book shall have been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of said company, at such time and place within the aforesaid municipality as they shall determine; such meeting shall be called by sending a printed notice by mail, addressed to each subscriber at his or her post office, at least ten days before the day of such meeting, and by advertisement in one or more papers published in the county in which the municipality is situated; said notice and advertisement to contain the object of said meeting, and the time and place at which it shall be held. How meeting
to be called.

6. At such meeting, the name and style of the company, including the appellations "Fire" and "Mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of not more than fifteen nor less than five directors shall be elected, and the place named in the municipality at which the head office of such company shall be located; and thereupon copies of the resolutions adopting such name or style, and the place of the head office of the company, and of such subscription book and the names of the directors elected; and all such documents being certified as correct under the hands of the chairman and secretary, shall be filed in the office of the Registrar of the County or Riding of the County, within which the municipality is situate; and upon the filing of said documents with such certificate, the several subscribers above named, and all other persons thereafter effecting insurances therein, shall become Election of
directors.

Names of
directors to be
filed with the
Registrar,

thereon the corporation formed.

Meeting of the directors to elect president and officers.

become members of the said company and shall be a body corporate and politic by and under such name so adopted, and which shall not thereafter be changed; and as soon after the aforesaid meeting as convenient, the secretary *ad interim* shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer, or manager, and the transaction of such other business as may be brought before them.

Power to admit members and insure.

7. The company may admit, as a member thereof, the owner of any property, moveable or immoveable, and may insure the same whether the owner thereof be or be not a freeholder; and every person admitted a member of said company by such insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of said company.

GENERAL MEETINGS.

Annual meeting for election of directors.

8. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty first day of December in each year, at such time and place as may be prescribed by the by-laws of the company.

Annual report and statement.

9. At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year which shall have ended on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities.

Notice of annual or special meetings.

10. Notice of any annual or special meeting of the members of said company shall be published in one or more newspapers for at least two weeks previous to the day of such meeting; and the Board of Directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice therefor as herein provided.

Members to have votes proportionate to the amount of their insurance.

11. Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following rates that is to say: For any sum under fifteen hundred dollars, one vote; from fifteen hundred to three thousand dollars, two votes; from three thousand dollars to six thousand dollars, three votes; and one vote for every additional three thousand dollars; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the company.

ELECTION OF BOARD OF DIRECTORS.

Election of directors.

12. The election of directors shall be held and made by such members of the company as shall attend for that purpose in their own proper persons.

13. The election of directors shall be by ballot.

Mode of election.

14. If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of directors to be elected: and the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Case of a tie at an election.

Election of a president and vice-president.

15. The directors shall be members of the company, and insurers therein, for the time they hold office, to the amount of eight hundred dollars at least.

Qualification of directors.

16. The manager of any Mutual Insurance Company may be a director of such company, and may be paid an annual salary, but only under a by-law of the said company.

Manager may be a director. His salary.

17. No agent or paid officer, or person in the employment of any such company, other than the manager, shall be eligible to be elected a director, or shall be allowed to interfere in the election of directors for such company.

Certain persons not eligible to be elected directors.

18. Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the board, the question shall pass in the negative.

Quorum of directors. Equality of votes.

19. Any director disagreeing with the majority of the board at any meeting, may have his dissent recorded, with his reasons therefor.

Directors disagreeing may record their dissent.

20. If any vacancy happen among the directors during the term for which they may have been elected, by death, resignation, ceasing to have the necessary qualification under the fifteenth section of this Act, insolvency, or by being absent without previous leave of the board from the board for three regular meetings in succession, which shall *ipso facto* create such vacancy, such vacancy shall be filled up for the remainder of the term, by any person duly qualified to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs.

Vacancies in office of director, how filled up.

21. In case an election of directors be not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on any subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such

Provision in case of failure of election or directors on proper day.

such case the directors shall continue to hold office till their successors are elected.

GENERAL POWERS OF THE BOARD OF DIRECTORS.

Appointment
of manager
and other
officers.

22. The board may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants as to them may seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as may be required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a tariff of rates for insurance, and vary the same from time to time, and determine the sum to be insured on any property; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company; and they shall keep a record of their proceedings.

Board may
adopt a tariff
of rates.

Meetings of
the board.

The board
may pass by-
laws.

23. The board of directors may, from time to time, make and prescribe such by-laws as to them may appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where such repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed. Every by-law of the board shall be duly entered on the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the company.

When by-laws
are not repeal-
able.

When resolu-
tion of the
board to have
the effect of a
by-law.

The board to
manage the
property, &c.,
of the Com-
pany.

24. The board of directors shall superintend and have the management of the funds and property of the company, and of all matters relating thereto, and not otherwise provided for.

Risks that
may be insured
against.

25. The board of directors may make arrangements with any mutual or other insurance company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed between them.

Cancellations
of policies.

26. The company shall be at liberty to cancel any policy by giving to the insured notice to the effect that they have cancelled or will cancel the same, by registered letter, signed by the secretary of the company, addressed and sent by mail, postage paid, to the post-office address of the insured, as given by him or her in the application for insurance or subsequent writing to the company, or by giving to the insured, personally, notice in writing, signed by the secretary, or an officer or agent of the company,

company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking, and such portion of the premium paid by him as shall not have been absorbed by the losses and expenses of the company up to such period, and a condition to this effect shall be endorsed on the policy.

27. Any member of such company may with the consent of the directors, withdraw therefrom upon such terms as the directors may require. Members withdrawing.

28. The board of directors of any such company may invest the capital and funds of the company in shares of any chartered bank having its head office in Ontario, in mortgages on freehold real estate, municipal debentures, and the public securities of the Dominion or of this Province; and may, in the name of the company, recover from any member of such company, in any court of competent jurisdiction, any premium or assessment upon his premium note payable by him. Investment of capital and funds of the company. Recovery of assessments.

29. The board of directors of any such company may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they may think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than one hundred dollars; And provided always, all the debentures and promissory notes at any one time outstanding shall not exceed one fourth of the amount remaining unpaid upon the same premium notes. Directors may issue debentures and promissory notes for loans, assets of the company to be liable for the same.

POLICIES OF INSURANCE.

30. The company may issue policies of insurance for any term not exceeding five years. Term of policies.

31. No policy of insurance shall be issued by any such company until application shall have been made for insurance, to the extent of one hundred thousand dollars at least, and approved of by the board. When policies may issue.

32. Any policy that may be issued for one year or any shorter period, may be renewed at the discretion of the board of directors by renewal receipts instead of policy, on the insured paying the required premiums, or giving his premium note or undertaking, Renewing policies.

undertaking ; and any cash payments for renewal, must be made at the end of the year, or other period for which the policy was granted, otherwise such policy will become null and void.

Void conditions

33. Every condition endorsed upon, or affecting any policy of insurance, which shall be held by the court or judge before whom any question relating thereto shall be tried, not to be just and reasonable, shall be absolutely null and void.

Property which may be insured.

34. The company may insure dwelling-houses, stores, shops, and other buildings, household furniture, merchandize, machinery, live stock, farm produce, and other commodities, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection.

Minimum rates.

35. The minimum rate to be charged or taken by any company for insuring first class isolated non-hazardous property, shall be not less than thirty-three and one third cents per centum, per annum ; and the minimum rate of insurance upon other property shall be increased relatively with the increased risk according to the nature of such property.

Policies to be binding on the company.

36. All policies of insurance issued by the board of directors, sealed with the seal of the company, signed by the president or vice-president, and countersigned by the secretary or acting secretary, shall be binding on the company ; Provided that any fraudulent misrepresentation contained in the application therefor, or any false statement respecting the title or ownership of the applicant or his circumstances, or the concealment of any encumbrance on the insured property, or on the land on which it may be situate, or the failure to notify the company of any change in the title or ownership of the insured property, and to obtain the written consent of the company thereto, shall render the policy void, and no claim for loss shall be recoverable thereunder, unless the board of directors in their discretion shall see fit to waive the defect.

Proviso in case of fraud, &c.

Double insurance.

37. If an insurance subsists by the act or with the knowledge of the insured in the company and in any other office at the same time, the insurance in the company shall be void, unless the double insurance subsists with the consent of the directors signified by endorsement on the policy, signed by the secretary or other officer authorized to do so, or otherwise acknowledged in writing.

Notification of insurance in another company.

38. Whenever notification in writing shall have been received by a company from an applicant for insurance, or from a person already insured, of his intention to insure, or of his having insured an additional sum on the same property in some other company, the said additional insurance shall be deemed to be assented

assented to, unless the company so notified shall within two weeks after the receipt of such notice, signify to the party in writing, their dissent; and in case of dissent the liability of the insured on the premium note or undertaking shall cease from the date of such dissent on account of any loss that may occur to such company thereafter, and the policy of the assured shall be void at the option of the directors of the company.

Dissent of the company to the additional insurance.

39. In case any property, real or personal, be alienated by sale, insolvency, or otherwise, the policy shall be void, and shall be surrendered to the directors of the company, to be cancelled; and thereupon the assured shall be entitled to receive his deposit note or notes, upon payment of his proportion of all losses and expenses which had accrued prior to such surrender; but the assignee may have the policy transferred to him, and upon application to the directors such assignee on giving proper security to their satisfaction for such portion of the deposit or premium note or undertaking as remains unpaid, and with their consent within thirty days next after such alienation, may have the policy ratified and confirmed to him, and by such ratification and confirmation, said assignee shall be entitled to all the rights and privileges and be subject to all the liabilities and conditions to which the original party insured was entitled and subject: Provided however, that in cases where the assignee is a mortgagee, the directors may permit the policy to remain in force, and to be transferred to him by way of additional security, without requiring any premium note or undertaking from such assignee, or his becoming in any manner personally liable for premiums or otherwise; but in such cases the premium note or undertaking and liability of the mortgagor in respect thereof shall continue in nowise affected.

Policy to be void on alienation of property insured.

Assignee may have the policy assigned.

Assignment to a mortgagee.

40. If any alteration be made in any house or building insured by the proprietor thereof, or if the risk on any house or building or other property insured be increased by any means whatever after the insurance has been made thereon with the company, whereby it is exposed to greater risk or hazard from fire, than it was when insurance was effected, the insurance thereon shall be void, unless previous notice thereof be given in writing and the requisite additional premium note or deposit after such alteration be given or paid to the directors; but no alterations or repairs in buildings not increasing such risk or hazard shall affect the insurance previously made thereon.

Where the premises are altered, or risk increased.

PREMIUM NOTES AND ASSESSMENTS.

41. The company may accept premium notes, or the undertaking of the insured, for insurances, and may issue policies thereon; said notes or undertakings to be assessed for the losses and expenses of the company in manner hereinafter provided.

Company may accept premium notes.

42. The directors may demand a part or first payment of the

Part payment may be demanded at the

time of application for insurance.

the premium note or undertaking at the time that application for insurance is made; and such first payment may be in cash or by promissory note, and may be credited upon said premium note or undertaking or against future assessments.

Assessment of premium notes.

43. All premium notes or undertakings belonging to the company shall be assessed under the direction of the board of directors, at such intervals from their respective dates, for such sums as the directors shall determine, and for such further sums as they may think necessary to meet the losses and other expenditures of said company during the currency of the policies for which said notes or undertakings were given, and in respect to which they are liable to assessment; and every member of the company or person who has given a premium note or undertaking, shall pay the sums from time to time payable by him to the company during the continuance of his policy, in accordance with such assessment: and any such assessment shall become payable in thirty days after notice of such assessment shall be mailed to such member, or person who has given the premium note or undertaking, directed to his post office address, as given in his original application, or in writing to the secretary of the company.

Proviso—
Notice to be given of the assessment.

Policy to be void, if any assessment or note is not paid within thirty days,

but shall be revived by subsequent payment.

44. If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall have become due, the policy of insurance, for which such assessment shall have been made, shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided always, that the said policy shall be revived when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party in the manner as in this Act provided; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments, nor shall such assured party be entitled to recover the amount of any loss or damage which may happen to property insured under such policy while such assessment shall remain due and unpaid, unless the board of directors in their discretion shall decide otherwise.

Requisites of notice of assessment.

45. A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embody the number of the policy, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable.

Assessment, how proportioned.

46. The assessment upon premium notes or undertakings shall always be in proportion to the amount of said notes or undertakings, having regard to the branch or department to which their policies respectively appertain.

Company may sue for assess-

47. If any member or other person, who has given a premium

premium note or undertaking, shall, for thirty days after notice of assessment shall have been mailed to him in manner aforesaid, neglect or refuse to pay said assessment, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

ments on premium notes.

48. Whenever any assessment is made on any premium note or undertaking given to the company for any risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover such assessment, the certificate of the secretary of the company, specifying such assessment, and the amount due to the company on such note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any court in this Province.

Certificate of the Secretary to be *prima facie* evidence of amount due to the company.

49. The company may form a reserve fund, to consist of all moneys which shall remain on hand at the end of each year, after payment of the ordinary expenses and losses of the said company; and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by said company; and such reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year: Provided that such reserve fund shall be invested either in debentures or other securities of the Dominion of Canada or of this Province or in municipal debentures, or may remain in a chartered bank in Ontario on deposit at interest.

Reserve fund.

Annual assessment,

how applied,

how invested.

50. Forty days after the expiration of the term of insurance, the premium note or undertaking given for such insurance, shall, on application therefor, be given up to the signer thereof, provided all losses and expenses with which said note or undertaking may be chargeable shall have been paid.

When premium note is to be returned.

51. Any Mutual Fire Insurance Company to be incorporated under this Act shall not issue policies otherwise than upon the mutual principle.

Policies to be only on mutual principle.

PAYMENT OF LOSSES.

52. In case of any loss or damage by fire happening to any member upon property insured with the company, such member shall give notice thereof to the secretary of the company forthwith, and the proofs, declarations, evidences, and examinations, called for by or under the policy, must be furnished to the company within thirty days after said loss, and upon receipt of notice and proofs of claim as aforesaid, the board of directors shall ascertain and determine the amount of such loss or damage, and such amount shall be payable in three months after the receipt by the company of such proofs.

Notice of loss.

In cases of dispute, the value to be determined by arbitration.

53. If the party be not satisfied with the determination of the board of directors, all questions as to the value of property damaged or destroyed may be submitted to three disinterested persons as referees, one of whom shall be named by the board and one by the suffering party, and the third by the two referees, or on their failing to agree in their choice, by the county judge in the county in which the loss may have taken place, and the decision or award of a majority of them shall be binding.

Limitation of suits against company.

54. No action or suit either at law or in equity shall be brought against such company upon any policy or contract of insurance granted or entered into by such company after the lapse of one year next after the happening of the loss or damage, in respect of which such action or suit is brought, saving in all cases the right of parties under legal disability; and all policies to be issued by such company shall have a condition to this effect endorsed thereon.

This condition endorsed upon policies.

Interest and cost where more is recovered than the directors determine.

55. If upon the trial of such action a greater sum be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against the company with interest thereon from the time such loss or damage would become payable under section fifty-three of this Act with costs of suit.

Costs where no more is recovered than the amount so determined by directors.

56. If no more be recovered than the amount so previously determined upon by the directors, the plaintiff in the suit shall have judgment for such amount only, and he shall not be entitled to costs against the defendants, and the defendants shall be entitled to costs against the plaintiff, as in the case of a verdict for the defendant.

Issue of execution against company.

57. No execution shall issue against the company upon any judgment until after the expiration of three months from the recovery thereof.

Justices of the Peace, &c., may swear and examine witnesses regarding loss.

58. Any justice of the peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any Mutual Insurance Company is interested, and may administer any oath or affirmation required under this Act.

Directors may retain amount of premium notes.

59. If there be any loss on property insured by the company, the board of directors may retain the amount of the premium note or undertaking given for insurance thereof, until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for.

BRANCHES OF DEPARTMENTS.

60. Any mutual company may separate its business into branches or departments, with reference to the nature or classification of the risks, of the localities in which insurances may be effected. Establishment of branches.

61. The directors of every such company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other. Scale of risks to be made for each branch.

62. Members of any such company insuring in one branch shall not be liable for claims on any other branch. Members to be liable to one branch only.

63. All necessary expenses incurred in the conducting and management of such companies shall be assessed upon and divided between the several branches in such proportion as the directors may determine. Expenses to be divided between branches proportionately.

MISCELLANEOUS PROVISIONS.

64. No member of any Mutual Insurance Company to which this Act may apply shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking. Liability of Members.

65. The treasurer or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than two thousand dollars for the faithful discharge of his duties. Treasurer to give security.

66. The present location of head offices of companies in existence, and the original location of head offices of companies hereafter to be formed, shall only be changed by a two-third vote of the members of the company at a special meeting called for that purpose. Head office can be changed only by a two thirds vote.

67. Any suit cognizable in a division court upon or for any premium note or undertaking, or any sum assessed or to be assessed thereon, may be entered and tried and determined in the court for the division wherein the head office or any agency of such company is situate. Suits in division courts where brought.

68. Every Mutual Insurance Company may hold lands, but such lands only as are requisite for the accommodation of the company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, Lands that may be held by the company.

debts, and may from time to time sell and convey or lease any such lands.

Liens on
lands for
premium notes
abolished.

69. Any lien for the premium note or undertaking upon lands on which the insured property is situate shall cease to exist after this Act comes into effect.

No guarantee
capital.

70. No guarantee capital or fund shall hereafter be raised by any company to which this Act is applicable, except as herein-after mentioned; nor shall any such company contract with any director or officer thereof for any loan or borrowing of money or credit, and every such attempted loan or borrowing is hereby prohibited and declared void.

Loans to or
from directors,
&c., forbidden.

Powers of in-
corporated
companies to
insure on the
cash premium
principle.

71. Any Mutual Fire Insurance Company heretofore incorporated and now doing business in Ontario, and to which this Act shall apply, may effect any insurance upon the cash premium principle, for a period not exceeding three years on farm and other non-hazardous property, and for one year or less on any other class of property; but the amount of cash insurances in any one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under the next following section: and all the property and assets of the company, including premium notes or undertakings, shall be liable for all losses which may arise under insurances for cash premiums; and any such company may also create or possess a guarantee capital or fund for such company, according to the provisions of the Acts in the recital mentioned.

Guarantee
fund.

Annual state-
ments.

72. It shall be the duty of the president or manager and secretary of each Mutual Fire Insurance Company, incorporated under this Act, or the Act of the Consolidated Statutes of Upper Canada, intituled, "An Act respecting Mutual Insurance Companies and the amendments thereto," or any special Act, and transacting the business of Fire Insurance in this Province, annually on the first day of January, or within one month thereafter, to prepare, and deposit in the office of the Secretary and Registrar of this Province, a statement verified by their own oath of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following form, namely:—

First, the assets of the company, specifying—

1. The value of real estate;
2. The amount of cash on hand and deposited in banks to the credit of the company, naming the banks and amount in each;
3. The amount of cash in company's office and in agents' hands respectively;

4. The amount of any loans or investments, and the nature of the security held therefor, in detail, and what, if any, payment in arrear thereon ;

5. The amount of assessments on premium notes or undertakings unpaid ;

6. The amount still payable upon premium notes or undertakings on hand.

7. Other amounts due the company ;

Second—The liabilities of the company specifying—

1. The amount of losses due and yet unpaid ;

2. The amount of claims for losses resisted ;

3. The amount of losses incurred during the year, including those claimed but not adjusted ;

4. The amount payable for money borrowed, and security given, and interest payable ;

5. The amount of all other existing claims against the company ;

6. The amount covered by policies in force in respect of each class of risk ;

Third—The income of the company for the preceding year, specifying—

1. The amount of cash received on premium notes ;

2. The amount of premium notes or undertakings ;

3. The amount of interest received ;

4. The amount of income from all other sources ;

Fourth—The expenditure during the preceding year, specifying—

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which such prior accrued losses were estimated in such preceding statement ;

2. The amount of expenses paid during the year ;

3. The amount of taxes ;

4. The amount paid for re-insurance ;

5. The amount of all other payments and expenditures under their appropriate heads ;

And any company shall further, when required, make prompt and explicit answer in reply to any inquiries in relation to its transactions, which may be required by the Lieutenant-Governor in Council.

Companies to
reply to in-
quiries of
Lt.-Gov. in
Council.

Any such Mutual Fire Company which fails to make and deposit such statement so verified, or to reply to such enquiry, its manager and secretary shall be subject, respectively, for each offence, to a fine or penalty of fifty dollars, to be recovered on behalf of Her Majesty, for the use of this Province; and it shall be the duty of the Provincial Secretary to publish a synopsis of such returns, as well as the names of such compa-

Penalty
for not reply-
ing.

nies which have not made returns, in the *Ontario Gazette*, on or before the first day of March in each year.

Previous section to apply to all Fire Ins. Coys.

73. The foregoing section and all the provisions thereof shall also apply to every Fire Insurance Company, by whatever authority incorporated, and now or any time hereafter transacting the business of Fire Insurance in this Province.

Lt.-Governor in Council may appoint persons to examine into the affairs of Insurance Companies.

74. The Lieutenant-Governor in Council, whenever he shall deem it expedient, may appoint any one or more qualified persons, not being officers of any other Fire Insurance Company, to examine into the affairs of any Mutual Fire Insurance Company, incorporated under this Act, or to which the provisions of this Act apply, and also into the affairs of any Fire Insurance Company doing business in this Province; and it shall be the duty of the officers or agents of any such company to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations; and for that purpose such person or persons shall have power to examine, under oath, such officers and agents; and whenever it shall appear from such examination that the assets and financial position of such company are such as not to justify the continuance in business of any such company, the Attorney-General may apply, in a summary manner, on motion to one of the superior courts of law or equity, for an order requiring such company to shew cause why the business of the company should not be closed; and the court shall thereupon proceed to hear the allegations and proofs of the respective parties, and in case it shall appear to the satisfaction of the court that the assets and funds of the company are not sufficient as aforesaid, or that the interests of the public so require, the said court shall decree a dissolution of said company's affairs, and may appoint a receiver, and take possession of, collect and get in the assets and effects of the said company, and otherwise to wind up the affairs thereof.

Proceedings to close companies whose affairs are in an unsatisfactory condition.

Powers and rights of the receiver appointed by the Court.

75. Such receiver shall have full power, under the authority of the court appointing him, to make all such assessments on the premium notes or undertakings held by the said company as may be necessary to pay its debts and claims against it, as the Directors would have authority to make; and the notice of assessment may be given in the same manner as is hereinbefore provided; and the said receiver shall have the like rights and remedies upon and in consequence of the non-payment of such assessments as are given to the company or the directors thereof; and such receiver may receive a surrender of any policy of said company, or cancel any policy in all cases where the directors are authorized to receive the surrender of or cancel policies.

Examination into improper conduct of directors.

76. The court by which such receiver is appointed, may also, upon his application, examine by a reference or otherwise, as it may deem proper, into the proceedings and acts of said company,

pany, and if it shall appear upon such examination that the directors or officers of such company, or any of them, have in any manner misapplied or improperly disposed of the funds, property or effects of such company, it shall be lawful for the court to order and decree that such persons as may be found guilty of such misapplication or improper disposition, shall pay the amount thereof to such receiver, and to enforce such order or decree by the ordinary process of said court.

77. The provisions of this Act shall apply to every Mutual Fire Insurance Company doing business in this Province and incorporated under the Act of the Consolidated Statutes for Upper Canada, or any special Act of the former Province of Canada, or of Ontario.

This Act to apply to companies formed under previous Acts.

78. After this Act takes effect the Act of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Mutual Insurance Companies," and all amendments thereto, and all special or other Acts or parts of Acts so far as inconsistent herewith shall be, and the same are hereby repealed, but such repeal shall not affect, defeat or invalidate the incorporation of any company thereunder, or any policy, contract, suit, proceeding or other matter, or thing whatsoever made, entered into, pending, existing, or in force at the time of such repeal, but the same shall and may remain and continue as if no such repeal had taken place, but as respects all transactions, regulations, modes of assessment and other matters herein provided for, subsequent to this Act taking effect, the provisions contained herein shall prevail.

Inconsistent Acts repealed but not so as to affect existing rights.

CAP. XLV.

An Act for the protection in Ontario, of Insectivorous and other Birds beneficial to Agriculture.

[Assented to 29th March, 1873.]

WHEREAS it is expedient to amend the Law providing for the protection of insectivorous and other birds beneficial to Agriculture, in so far as the same applies to the Province of Ontario, and to make further provision for the protection of such birds:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the first day of May one thousand eight hundred and seventy-three, the Act intituled, "An Act for the protection of Insectivorous and other Birds beneficial to Agriculture"

27 & 28 Vic., c. 52 repealed.

culture," passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered fifty-two of the Statutes of the late Province of Canada, shall be and the same is hereby repealed, in so far as the same relates to the Province of Ontario.

Birds that may
be killed.

2. It shall not be lawful to shoot, destroy, wound or injure, or to attempt to shoot, destroy, kill, wound or injure any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens, and the birds especially mentioned in an Act passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty-eight, and intituled, "An Act to consolidate and amend the laws for the protection of Game and Fur-bearing animals of Ontario."

Selling or ex-
posing for sale
or trapping
certain birds.

3. It shall not be lawful to take, capture, buy, sell, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted,* or to set, wholly or in part, any net, trap, springe, snare, cage or other machine or engine by which any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows, and ravens might be killed and captured; and any net, trap, springe, snare, cage or other machine or engine, set either wholly or in part for the purpose of either capturing or killing any bird or birds, save and except eagles, falcons, hawks, owls, wild pigeons, king-fishers, crows, jays and ravens, may be destroyed by any person, without such person incurring any liability therefor.

Nest, young or
egg not to be
taken.

4. It shall not be lawful to take, injure, destroy or have in possession any nest, young or egg of any bird whatsoever, except of eagles, falcons, hawks, owls, wild pigeons, king-fishers, jays, crows and ravens.

Power to seize
birds unlaw-
fully possessed.

5. Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive to be liberated; and it shall be the duty of all market clerks and police-officers, or constables, on the spot to seize and confiscate, and if alive, to liberate such birds: Provided always, that this Act shall not apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds commonly known as poultry.

Eggs* or birds
required for
scientific pur-
poses.

6. The Commissioner of Agriculture, and all persons authorized by him to that effect, may grant written permission to any person or persons who may be desirous of obtaining birds or eggs for *bona fide* scientific purposes, to procure them for that purpose, and such person or persons shall not be liable to any penalty under this Act.

Penalties.

7. The violation of any provisions of this Act, shall subject
the

the offender to the payment of not less than one dollar and not more than twenty dollars with costs, on summary conviction, on information or complaint before one or more Justices of the Peace; and the whole of such fine shall be paid to the prosecutor, unless the convicting justice or justices shall have reason to believe that the prosecutor is in collusion with and for the purpose of benefiting the accused, in which case the said justice or justices may order the disposal of the fine as in ordinary cases; and in default of payment of such fine and costs, the offender shall be imprisoned, in the nearest common jail, for a period of not less than two and not more than twenty days, at the discretion of such Justice or Justices of the Peace.

Application of
fines.

8. No conviction under this Act shall be annulled or vacated for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom.

Conviction not
invalid for
want of form.

9. This Act shall come into force on the first day of May one thousand eight hundred and seventy-three, and nothing in this Act contained shall repeal or be held to affect the Act intituled "An Act to consolidate and amend the laws for the protection of game and fur bearing animals in Ontario."

When Act to
come into
force
Not to affect 35
Vic., c. 38.

10. All convictions or orders under this Act shall be appealable under the provisions of the Act of the Parliament of Canada passed in the thirty-third year of Her Majesty's reign and chaptered twenty-seven.

Convictions
how appeal-
able.

CAP. XLVI.

An Act to provide for the making of double tracks in snow roads.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The county council of each county in Ontario may provide by by-law for the making of a double track, during the season of sleighing in each and every year, upon such public or leading roads within the county, whether county roads or not, as such council may deem advisable.

County coun-
cils may pass
by-laws for
making double
tracks on
roads during
sleighing sea-
son.

2. Whenever a county council shall pass such a by-law, the double track to be made shall be so made that teams shall be able to pass without being obliged to turn out when meeting each other.

Nature of
tracks.

Right of road. **3.** The right hand track shall always be that in which a team shall be required to travel, and if any person is driving his team in the wrong track, it shall be his duty to leave the same whenever he shall meet another team rightfully entitled to use such track.

Duties and powers of path-masters or road-masters.

4. A county council may also provide by by-law that path-masters appointed by township councils shall cause the roads on which double tracks are to be made to be kept open for travel within their respective municipalities, or in the event of there being no such path-masters available, may appoint road-masters to perform that duty; and such path-masters or road-masters shall have full power to call out persons liable to perform statute labour to assist in keeping open such roads within their respective municipalities, and to give to such persons as may be employed in so doing, certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour; and such county council may also provide for the application by such township council of so much of the commutation of statute labour fund as may be necessary for the keeping open such roads as aforesaid within their respective municipalities.

If township refuse to make tracks, county may do so and impose a rate.

5. In the event of a township council neglecting or refusing to keep such roads open for travel as mentioned in the next preceding section of this act, the county council shall be entitled to do so, and to impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by the Assessment Act of 1869 as to the collection of county rates.

Penalty for persons refusing to work under path-masters.

6. Any person liable to perform statute labour, and who refuses or neglects to turn out and work under the path-master or road-master who may warn him out for that purpose under the authority of this Act, shall be liable to a fine not exceeding twenty dollars, nor less than one dollar, over and above costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days.

Penalty for travelling on left hand track and refusing to turn out.

7. Any person travelling in the wrong or left hand track, and refusing or neglecting to leave the same when met by a person who is travelling therein with his team as of right, shall be liable to a penalty of not less than one dollar, nor more than twenty dollars, over and above the costs of prosecution, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days.

Interpretation of the word "team."

8. The word "team" shall be taken to mean a vehicle drawn by one horse or other animal, or a greater number of horses or other animals, as the case may be.

CAP. XLVII.

An Act respecting the Municipal Loan Fund debts,
and respecting certain payments to Municipalities.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The balances due to the Municipal Loan Fund by the municipalities named in schedule A, are hereby cancelled; and the balances due to the said Fund by the municipalities named in schedule B are to be deemed the sums mentioned in said schedule B, subject to the provision contained in the third section.

Certain
balances can-
celled; provi-
sions as to
others.

2. The municipalities named in schedule C, are to receive, as of the first February, one thousand eight hundred and seventy-four, in manner hereinafter provided, the sums mentioned in schedule C, subject to the provision contained in the third section; and the amount going to the counties therein named is to be distributed by the Lieutenant-Governor in Council among the local municipalities therein respectively, and shall be so distributed according to the population of the said local municipalities by the Census of one thousand eight hundred and seventy-one, or in case the population of the municipality does not appear by the said Census, then according to the population as may be ascertained in any other way satisfactory to His Excellency.

Certain muni-
cipalities to be
entitled to cer-
tain moneys.

Distribution of
the moneys.

3. In case it shall appear to the Lieutenant-Governor that there is any error in such schedules from the insertion of an incorrect sum as the amount in which a municipality is indebted, or to which a municipality is entitled, under the resolution of the Legislative Assembly of Ontario, passed on twenty-seventh day of March, one thousand eight hundred and seventy-three, or from the said debts or sums being incorrectly apportioned, or from the omission of the name of any municipality which ought to pay the whole or part of any debt due to the said Fund, or from the omission of the name of a municipality which is entitled to participate in the allowances to be made under the said resolution, or from any other cause, it shall be lawful for the Lieutenant-Governor in Council to correct any such error.

Power to
correct errors
as to amounts,
&c.

4. Where any municipality holds revenue-producing investments, made with the money borrowed or obtained under the Municipal Loan Fund Acts, or with the produce of such money, such investments shall, at the discretion of the Lieutenant-Governor

Indebted
municipalities
to assign
certain invest-
ments made
from the fund.

Governor in Council, be assigned, in such way as he may appoint, as a security for the balance due by the municipality to the said Fund.

If investments larger than balance due, assignment may be required.

5. Where such investments are of greater amount and value than the balance so due, the Lieutenant-Governor in Council may require the said investments to be assigned absolutely in discharge of the said balance.

Interest on debt for the present year.

6. The council of every indebted municipality shall pay to the Treasurer of the Province the interest at five per cent., or a sum equivalent to the interest at five per cent., on the debt of the municipality for the present year, as if this Act had not been passed, or the Lieutenant-Governor may authorize or direct the same or any part thereof to be included in the debentures to be executed as hereinafter provided for: and every municipality shall, before the first day of September next, cause to be executed and delivered to the Treasurer of Ontario, in case the Lieutenant-Governor in Council so directs, new debentures for the balances due or payable by such municipality, with interest as the case may be, in such form and in such respective sums and payable at such places respectively as the Lieutenant-Governor may direct; or the Lieutenant-Governor may authorize the trustees hereinafter mentioned, or any two of them, to sign and execute the said debentures on behalf of the indebted municipality; and debentures so signed and executed by the trustees aforesaid, shall have the same effect as if duly executed by the officers of the corporation in manner and after the proceedings required by the municipal law of Ontario in other cases.

Debentures for indebtedness.

Trustees may be empowered to execute debentures.

Debentures, how to be payable.

7. The debentures shall provide for payment by the same sums per annum, as nearly as may be, as the municipalities are now liable to pay; Provided that no more shall be payable annually for twenty years than two cents in the dollar on the assessment of one thousand eight hundred and seventy-two would provide for, after meeting the ordinary and necessary expenditure of the municipality, other than for schools, according to the assessment and the ordinary and necessary expenditure respectively (other than for schools) of the said year one thousand eight hundred and seventy-two, and that no debenture shall allow more than twenty years for payment of principal.

Debentures, not to be invalid for want of form, &c.

8. Every debenture executed and delivered to the Treasurer of the Province, and accepted by him under this Act, shall be held valid, and binding upon the corporation, notwithstanding any deficiency in form or otherwise therein, or in any by-law directing the issue thereof; and although the debenture be not executed strictly in the manner by such by-law directed; and, notwithstanding any other irregularity in any of the proceedings connected therewith.

9. The said debentures shall, as far as practicable, be equally distributed among the municipalities entitled to receive sums under this Act, in proportion to the sums to which the said municipalities are respectively entitled; and the municipality to or for which, or to or for the use of which, the same are delivered or set apart, shall be charged with the debentures according to the market value of the same at the time of such delivery or setting apart; or the Lieutenant-Governor may, in his discretion, sell the said debentures, and pay the proceeds to, or to the use of, the municipality entitled thereto; and any balance going to a municipality shall be paid in money.

Debentures to be distributed or sold, and the proceeds paid over.

10. The debentures shall be delivered and the money paid to the municipalities, or to their use, at any time after the first day of February next after the passing of this Act; and in case the money to which any municipality is entitled remains in the hands of the Treasurer of Ontario after that date, the municipality shall be allowed interest thereon from that date at the rate of five per cent. per annum, or at such less rate as the Province may receive in respect thereof.

If the debentures or the proceeds thereof be not handed over before 1st Feb. the municipality to be entitled to interest.

11. All moneys paid to any municipality under this Act, and all moneys being the proceeds of debentures to which any municipality is entitled under this Act, shall, if paid to the treasurer of such municipality, be by him carefully kept apart from all other moneys.

Moneys paid to municipalities to be kept distinct from other moneys.

12. Such moneys shall be applied in aid of railways, of drainage, of the building or improvement of the court house or gaol, of the building or improvement of a hospital, of providing for the use of the municipality an industrial farm, a public park, a house of industry or of refuge, or in building or improving schools, public halls, bridges, harbours, piers, or gravel roads, or shall be applied in making other permanent improvements affecting the municipalities, or shall be applied in or towards the reduction or payment of municipal obligations already contracted for permanent works.

Application by municipalities of the moneys.

13. The municipal council of a municipality may at any time after the first day of February next, pass a by-law or by-laws appropriating the said money to any of the purposes aforesaid; and in case the Lieutenant-Governor in Council is satisfied that the purpose specified and intended by the by-law is within the spirit and meaning of the next preceding section, the money may be paid, or the debentures delivered, in such manner as shall in the opinion of the Lieutenant-Governor in Council secure the due application of the money or debentures as intended by this Act.

By-laws as to application of moneys and delivery of debentures or proceeds thereon.

14. No money shall be paid or debentures delivered in respect of any work until the Commissioner of Public Works shall have

Circumstances whereon alone the debentures or moneys

shall be handed
over.

have certified to the Treasurer of Ontario that satisfactory proof has been furnished that the municipality in respect of which such certificate is given, has completed or otherwise performed the works to which, under the provisions of this Act, the said money or debentures is or are to be applied; nor until the Council shall have certified that such municipal corporation has heretofore constructed such works and is indebted in respect thereof; and such certificate shall specifically state the work in respect of which it is given, and the amount of such money payable on account thereof.

Indebtedness
for works for
which debentures
may be
delivered over
may be
required to be
assigned as
security for
the debentures.

15. The said debts may be assigned by Order in Council or otherwise, (if the Lieutenant-Governor thinks fit,) to trustees to be appointed by the Lieutenant-Governor in Council, and who may or may not be members of the Executive Council for the time being; and the said debts shall be held by such trustees as collateral security for the due payment of the new debentures, and in such manner, and subject to such conditions, as the Lieutenant-Governor shall by Order in Council prescribe; and which Orders in Council may be revoked or modified from time to time at the discretion of the Lieutenant-Governor in Council; and the said debts may be resumed by the province for the purposes already specified, or may be transferred to any person or persons as by the Orders in Council declared or directed.

Debentures
and moneys
to be applied
by municipalities
only on
specified
works.

16. No such moneys or any portion thereof, nor any of the said debentures, shall be applied or paid by any municipal corporation, or by the treasurer or any officer thereof, to or for any work or works other than such as is, or are mentioned in the said certificate.

Existing
municipal loan
fund debts to
continue as
security for
the new
debentures.

17. The existing Municipal Loan Fund debts of the indebted municipalities shall not be deemed cancelled, released, paid, extinguished or otherwise affected by this Act, or by the issue of the said new debentures, but shall remain as collateral security for the new debentures herein provided for, and for the sums thereby to be secured; and the said debts shall to the extent of the said debentures and sums thereby to be secured continue and constitute and be a first charge as hitherto upon all the funds of the municipality, for whatever purpose or under whatever by-law they may have been raised.

Duties of
municipal
officers in
order to pro-
vide yearly
for indebted-
ness.

18. The treasurer, clerk, collector and other officer of every indebted municipality, shall, in order to provide for the payment of so much of its said municipal loan fund debt as would equal the amount accruing due for principal and interest upon the said new debentures in each year, perform the several duties authorized and directed by the Consolidated Municipal Loan Fund Act, except that, in lieu of the rate authorized by section ninety-four of the said Act, there shall be assessed and levied a rate sufficient to pay the said amount so accruing due.

19. No treasurer or other officer of the municipality shall pay any sum whatever out of any funds of the municipality in his hands until the sum then payable upon the said new debentures has been paid; and any treasurer or officer acting contrary to the provisions of this section shall for the amount paid in violation thereof be personally liable to the holders of the said new debentures as and for money received to the use of such holders.

No municipal officer to pay out municipal funds till amounts payable on debentures are paid.

20. In case it is made to appear to the said trustees (or to any two of them, if there are more than two) that any municipality is in default for any sum of money owing upon the new debentures, the said trustees shall (and any two of them may) at any time after the expiration of three months from such default issue their warrant to the sheriff, directing him to levy a rate sufficient to pay the amount in default, with interest until the amount is levied, and also the costs of levy and transmission.

In case of default in payment of debentures, the trustees may give warrant to sheriff to levy.

21. The like proceedings shall be taken by the sheriff and other officers upon the said warrant as are by section sixty-seven of the said Act authorized to be taken upon a warrant of the Governor, except that the sheriff may pay over the net proceeds levied thereunder to the holder of the debentures or his attorney or duly authorized agent, and shall return the warrant with a certificate of what has been done thereunder to such person as may be directed by the said warrant.

Proceedings by sheriff.

22. The trustees shall have power to bring suits or take proceedings at law or in equity to enforce any rights or duties assigned to them by this Act or by any Order in Council in this behalf, or any rights or duties incident or belonging to the parties interested in the said debentures or in the payment thereof.

Powers of trustees to bring suits, &c.

23. No indebted municipality shall be entitled to any benefit under this Act until the council and officers thereof shall have caused to be duly executed and delivered to the treasurer of Ontario the new debentures herein provided for, if so required by the Lieutenant-Governor in Council; nor shall any municipality holding any investment in respect of which provision is made in sections four and five be entitled to any benefit under this Act until such investment has been assigned in such manner as the Lieutenant-Governor in Council may require.

Municipalities disentitled till debentures delivered, and their investments, if any, under municipal loan fund, assigned over.

24. The holder of any debenture delivered or executed under this Act may, if he desire, take the like proceedings for the collection thereof as might be taken in respect of any other debenture of a municipal corporation.

Power to debenture holder to sue and collect.

25. Any indebted municipality may, with the approval of His Excellency in Council, pass by-laws for raising money by loan or otherwise, in order to pay off its debt to the said Fund.

Indebted municipalities may pass by-laws to raise money to pay

off debt to
municipal loan
fund.

Fund; and the money borrowed shall be payable in such time and manner, and with such interest as the by-law shall specify; and no such by-law need be submitted for the assent of the electors.

On payment
by an indebted
municipality
of the value of
debentures to
be issued, debt
may be
declared can-
celled.

26. Upon payment to the Treasurer of Ontario, by any municipality, of the market value of the debentures or intended debentures to be issued under this Act, before the distribution or sale of debentures, the Lieutenant-Governor in Council may, if he thinks fit, declare the debt of the municipality to be paid and extinguished.

Commissions
may be issued
to enquire as
to verifying
schedules or
correct errors,
&c.

27. The Lieutenant-Governor in Council may direct the issue of a commission or commissions to the said trustees, or to one or more of them, or to any other persons or person therein named, authorizing them, or any one or more of them (if the commission is to be more than one), to make from time to time such enquiries as may be required in order to verify the said schedules, and to correct errors (if any) therein, or in order the more efficiently to carry out otherwise the provisions of this Act, or any of them; and may by any such commission confer upon the person or persons therein named, the power of summoning before him or them any parties or witnesses, and of requiring them to give evidence on oath, orally, or in writing (or on solemn affirmation, if they are persons entitled to affirm in civil matters), and to produce such documents and things as the commissioner or commissioners deem requisite to the full investigation of the matters being examined into; the said trustee or trustees, commissioner or commissioners, to report to His Excellency from time to time, as he or they may be required.

Power to com-
missioners to
enforce giving
evidence.

28. The commissioner or commissioners shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any court of law in civil cases.

Clergy muni-
cipalities fund,
provision as
continuance of
right thereto
of indebted
municipalities.

29. The share of any indebted municipality of the Clergy Municipalities Fund, as long as such municipality is not in default in respect of its new debentures, shall be paid to the municipality; but upon the said trustees or trustee notifying the Treasurer of Ontario that a municipality is in default as aforesaid, the said treasurer may pay to the trustees the share coming to the defaulting municipality, and such payment shall be credited on account of such debentures.

SCHEDULE A.

1. Dundas (Town).
2. Norwich (now North Norwich and South Norwich.)
3. Prescott (Town).
4. Simcoe (Town.)
5. Windham.
6. Woodhouse.
7. Woodstock.

SCHEDULE B.

PART 1.

COUNTIES.

Northumberland and Durham	\$223,665 31
Perth,	143,708 05

CITIES.

Ottawa	\$37,113 88
--------------	-------------

TOWNS AND TOWNSHIPS.

Barrie	\$2,128 68
Cornwall	252 19
Guelph (Town)	52,221 62
St. Catharines	165,182 48

PART 2.

COUNTIES.

Lanark and Renfrew	\$0322,69 93
--------------------------	--------------

TOWNS AND TOWNSHIPS.

Brantford, (Town)	\$194,018 89
Chatham	103,478 29
Elizabethtown	98,847 23
Goderich	93,854 55
Hope	36,546 95
Port Hope	150,482 40
Peterborough, (Town)	72,430 46
Stratford	77,797 79
Brockville	

Brockville.....	\$135,375 00
Chippawa.....	3,338 62
Cobourg.....	69,580 00
London.....	486,058 64
Niagara	14,205 04
Ops	47,914 80

SCHEDULE C.

- (1) Municipalities which have sums to receive besides their debts to the Municipal Loan Fund being satisfied.

COUNTIES.

Bruce	\$116,379 40
Elgin (exclusive of St. Thomas)	73,332 33
Essex	46,057 06
Grey.....	117,376 10
Huron (exclusive of allowances to Town of Goderich and Townships of Stanley and Howick) ...	249,112 73
Hastings (exclusive of proportion of per head allowance allotted to Belleville)	12,505 07
Lincoln (exclusive of per head allowance allotted to St. Catharines and Town of Niagara.....	35,031 46
Lambton.....	59,425 82
Oxford.....	70,985 87

TOWN AND TOWNSHIPS.

Belleville (County Hastings).....	\$7,946 39
Bertie (County Welland).....	24,996 70
Brantford Township (County Brant).....	65,398 14
Canborough (County Haldimand).....	6,148 13
Moulton and Sherbrooke (County Haldimand)	20,591 04
Middleton (County Norfolk)	4,917 74
Paris (County Brant)	33,747 78
Stanley (County Huron)	15,082 89
Wainfleet (County Welland)	21,658 25

- (2.) Shewing sums going to Municipalities which were not indebted to Municipal Loan Fund.

COUNTIES.

Brant, exclusive of Towns of Brantford and Paris and Township of Brantford.....	\$29,290 00
Carleton.....	43,478 00
	Frontenac

Frontenac	\$32,620 00
Haldimand, exclusive of Canborough, Moulton and Sherbrooke.....	43,086 00
Halton	45,212 00
Kent, exclusive of Chatham.....	69,522 00
Leeds and Grenville, exclusive of Towns of Brockville and Prescott and Townships of Elizabethtown and Oxford.....	81,550 00
Lennox and Addington.....	75,416 00
Middlesex	156,078 57
Norfolk, exclusive of Town of Simcoe and Town- ships of Middleton, Windham and Woodhouse	33,958 00
Ontario, exclusive of Thorah, Uxbridge and Scott	72,776 00
Peel, exclusive of Albion and Caledon	32,738 00
Peterborough, exclusive of Town of Peterborough	49,434 00
Prescott and Russell.....	71,982 00
Prince Edward.....	40,672 00
Simcoe, exclusive of Barrie and Mono.....	113,738 00
Stormont, Dundas and Glengarry, exclusive of Cornwall.....	112,510 00
Victoria, exclusive of Ops with Lindsay.....	45,602 00
Waterloo, exclusive of Berlin and Preston.....	72,200 00
Welland, exclusive of Bertie, Chippawa and Wainfleet.....	38,464 00
Wellington, exclusive of Guelph Township, Guelph Town, Elora, Fergus, Maryborough, Minto, Nichol, Orangeville and Peel.....	62,148 00
Wentworth, exclusive of town of Dundas.....	55,496 00
York, exclusive of Scarborough and Markham...	94,230 00

DISTRICTS.

Algoma	\$10,014 00
Manitoulin	4,022 00
Muskoka	10,800 00
Nipissing	3,582 00
Parry Sound	3,038 00

CITIES.

Hamilton,.....	\$83,895 80
Kingston	24,814 00
Toronto	167,764 00

TOWNS AND TOWNSHIPS (not included in the foregoing.)

Albion	\$14,575 00
Berlin	21,125 52
Caledon.....	15,038 00

Elora	\$4,565 00
Fergus.....	4,901 00
Galt	13,654 00
Guelph (Township).....	14,397 72
Howick	28,542 73
Markham	21,344 00
Maryborough.....	15,112 00
Minto	19,914 00
Mono	13,428 00
Nichol.....	7,043 00
Orangeville	4,739 00
Oxford Township.....	24,334 94
Peel Township.....	17,764 00
Preston Town.....	19,790 33
St. Mary's	16,831 41
St. Thomas.....	14,396 50
Scarborough.....	10,910 00
Scott Township	7,230 00
Thora	25,930 00
Uxbridge	17,924 00
Wallace	3,922 00

SYNOPSIS OF MUNICIPAL INSTITUTIONS ACT.

INTERPRETATION. SEC. 1.

PART I.—MUNICIPAL ORGANIZATION.

TITLE I. INCORPORATION. SEC. 2.

II. NEW CORPORATIONS.

DIVISION I. Villages. Sec. 8.

“ II. Towns and Cities. 14.

“ III. Townships. 22.

“ IV. Counties. 31.

“ V. Provisional County Corporations. 34.

“ VI. Matters Consequent on formation of New Corporations. 51.

PART II.—MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I. THE MEMBERS.

DIVISION I. In Counties. 62.

“ II. Cities. 66.

“ III. Towns. 67.

“ IV. Incorporated Villages. 68.

“ V. Townships. 69.

“ VI. Provisional Corporations. 70.

TITLE

TITLE II. QUALIFICATION, DISQUALIFICATION AND EXEMPTIONS.

- DIVISION I. Qualification. 71.
- “ II. Disqualification. 75.
- “ III. Exemptions. 76.

PART III. MUNICIPAL ELECTIONS.

TITLE I. ELECTORS.

- DIVISION I. Qualification. 77.

TITLE II. ELECTIONS.

- DIVISION I. Time and place of holding. 85.
- “ II. Returning Officers. 94.
- “ III. Oaths to be taken. 99.
- “ IV. Proceedings thereat. 102.
- “ V. Vacancies in Council. 123.
- “ VI. Controverted Elections. 131.
- “ VII. Corrupt Practices, prevention of. 153.

PART IV.—MEETINGS OF COUNCIL.

- DIVISION I. When and where held. 167.
- “ II. Conduct of business. 174.

PART V.—OFFICERS OF MUNICIPAL CORPORATIONS.

- DIVISION I. Heads. 184.
- “ II. Clerk. 186.
- “ III. Treasurer. 195.
- “ IV. Assessors and Collectors. 199.
- “ V. Auditors and Audit. 203.
- “ VI. Valuers. 210.
- “ VII. Duties of, as to Oaths, &c. 211.
- “ VIII. Salaries and Tenure of Office. 219.

PART VI.—GENERAL PROVISIONS.

TITLE I. GENERAL JURISDICTION.

- DIVISION I. Nature and Extent. 222.

TITLE II. RESPECTING BY-LAWS.

- DIVISION I. Authentication of. 226.
- “ II. Objections by Rate-payers. 229.
- “ III. Voting on by Electors. 231.
- “ IV. How Confirmed. 237.
- “ V. Quashing. 240.
- “ VI. By-laws creating Debts. 248.
- “ VII. By-laws respecting Yearly Rates. 258.
- “ VIII. Anticipatory appropriations. 262.

TITLE III. RESPECTING FINANCE.

- DIVISION I. Accounts and Investments. 265.
- “ II. Commission of Enquiry into Finances. 275

TITLE IV. ARBITRATION.

- DIVISION I. Appointment of Arbitrators. 277.
- “ II. Procedure. 289.

TITLE V. DEBENTURES AND OTHER INSTRUMENTS. SEC. 296.

TITLE

TITLE VI. ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

DIVISION I.	Coroners and Justices.	305.
" II.	Penalties.	315.
" III.	Witnesses and Jurors.	320.
" IV.	Convictions under By-laws.	323.
" V.	Executions against Municipal Corporations.	324.
" VI.	Costs in Mandamus.	326. [327.
" VII.	Contracts void alike in Equity and Law.	
" VIII.	Police Office and Police Magistrate.	328.
" IX.	Commissioners of Police and Police Force.	333.
" X.	Court-house, Gaols, &c.	348.
" XI.	Investigations as to Malfeasance.	370.
" XII.	When Mayor may call out <i>posse comitatus</i> .	371.

PART VII.—GENERAL POWERS OF MUNICIPAL COUNCILS.

DIVISION I.	Counties, Townships, Cities, Towns, and Villages.	372.
" II.	Counties, Cities, Towns, Villages.	378.
" III.	..... Townships, Cities, Towns, Villages.	379.
" IV.	Counties, Cities, Sep. Towns,	383.
" V.	..... Cities, Towns, Villages.	384.
" VI.	..... Cities, Towns,	385.
" VII.	..... Townships, Towns, Villages.	390.
" VIII.	..... Towns, Villages.	391.
" IX.	Counties,	392.
" X.	..... Townships,	402.
" XI.	As to Highways and Bridges,	404.
" XII.	Works paid for by Local Rates,	447.
" XIII.	As to Railways,	471.

PART VIII.—POLICE VILLAGES.

DIVISION I.	Formation of.	477.
" II.	Trustees, and Election of.	479.
" III.	Duties of Police Trustees.	502.

CONFIRMING AND SAVING CLAUSES. 513.

ANALYTICAL INDEX

TO

MUNICIPAL INSTITUTIONS ACT.

The Numbers refer to the Sections.

INTERPRETATION 1.

“Municipality,” 1 subs. (1); “Council,” 1 subs. (2); “County,” 1 subs. (3); “Township,” 1 subs. (4); “Land,” “Lands,” “Real Estate,” “Real Property,” 1 subs. (5); “Highway,” “Road,” “Bridge,” 1 subs. (6); “Electors,” 1 subs. (7); “Reeve,” 1 subs. (8); “Next Day,” 1 subs. (9); “Governor,” 1 subs. (10).

PART I.

MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.

Existing Municipal Corporations continued, 2; also heads and members of existing councils, 3; and officers of existing corporations, 3; Contracts, property, assets and liabilities of existing corporations, 3; Names of corporations, 4; Inhabitants of junior county a body corporate, 5; Names of provisional corporations, 5; Inhabitants of county, township, city, &c., to be a body corporate, 6; How powers exercised, 7.

TITLE II.—NEW CORPORATIONS.

Division I.—VILLAGES.

When village may be incorporated, 8; Proceedings to incorporate, 8; Area, 8 subs. (1); Enlargement of area, 8 subs. (2); Existing corporations exceeding prescribed area, 8 subs. (3); Population—how reckoned, 8 subs. (4); Area—how estimated, 8 subs. (4); Disposition of property and payment of debts upon incorporation, 9; Incorporated village within two or more counties, 10; How annexed to a county, 10, 11; Increasing area, 12; Reducing area, 13.

Division

Division II.—TOWNS AND CITIES.

Census, 14; Erecting town into city, 15; Proceedings, 15; Erecting village into town, 15; Proceedings, 15; Existing debts of town or village, 15; Extending limits, 16; Wards, 17; New division into wards, 18; Extending area, 18; Where land attached belongs to another county, 19; Withdrawing town from county jurisdiction, 20; Arrangement as to expenses of administration of justice and other expenses, 20 subs. (1) and (2); Proclamation separating, 20 subs. (3); Effect of proclamation, 20 subs. (4); New arrangements as to expenses, 20 subs. (5); Right of property after withdrawal, 20 subs. (6); Re-union of town with county, 21; Proceedings for 21.

Division III.—TOWNSHIPS.

Annexing new township not within incorporated county to county, 22; Uniting same with other township of such county, 22; Separation of united townships, 23, 24; Disposition of property on dissolution of union, 25; Debts, 25 subs. (4); Arbitration in case of disagreement, 25 subs. (5); Interest on amounts to be paid, 25 subs. (6); Annexing gores to townships, 26; Uniting new townships in incorporated counties to incorporated townships in the same county, 27; Erecting two or more incorporated townships into union, 28; Seniority of townships, 29; United townships in different counties, 30.

Division IV.—COUNTIES.

How formed, 31; Seniority of united counties, 32; Laws applicable to united counties, 33.

Division V.—PROVISIONAL COUNTY CORPORATIONS.

Provisional corporation on separation of united counties, 34; Meeting of, 34; Who to preside, 35; Provisional officers, 36; Acquiring lands, 37; Respecting powers of provisional council and council of union, 38; Agreement as to disposition of property on dissolution, 39; Debts, 39; Members of provisional council not to vote respecting agreement, 40; Arbitration in case of disagreement, 41; Payments of amounts found due, 41; Interest thereon, 41; Terms and time of separation, 42; Appointment of officials, 42; Final separation by proclamation, 43; Jurisdiction of courts and officers thereupon, 43; Right of property, 43; Choses in action, 43; Provisional council and officers to be council and officers of the new county, 44; By-laws, contracts, property, assets and liabilities of new corporation, 44; Execution of process in hands of sheriff, 45; Venue in actions, 46; Judicial proceedings, when to be carried on, 47; Place for holding courts in junior county, 48; Proceedings under bailable process, 49; Privileges as to gaol limits on separation, 50.

Division

Division VI.—MATTERS CONSEQUENT ON FORMATION OF NEW CORPORATIONS.

By-laws in force prior to formation of new corporation, continued until repealed, 51; Force of by-laws where municipality extended, 52; Liability for debts existing at dissolution of union, 53; Debts where municipality extended, 54; Debentures after separation for prior debts, 55; To whom assessments belong, 56; Special rates in payment of debts, 57; Over payments, 57; In case of new corporations old council and officers to exercise jurisdiction until new council and officers named, 58; Effect of separation upon officers, 59, 60; Upon their sureties, 59, 61.

PART II.

MUNICIPAL COUNCILS, HOW COMPOSED.

Title I.—THE MEMBERS.*Division I.*—COUNTIES.

County Council, 62; Warden, 62; Certificate of election to be filed by reeves and deputy-reeves, 63; Declarations of office and qualification to be subscribed, 63; Declaration as to number of freeholders and householders to be filed by deputy-reeves, 63; Form of certificate of election, 64; Of certificate as to number of freeholders and householders, 65.

Division II.—CITIES.

City Council, 66; Head thereof, 66.

Division III.—TOWNS.

Town Council, 67; Head thereof, 67.

Division IV.—INCORPORATED VILLAGES.

Council in incorporated village, 68; Head thereof, 68.

Division V.—TOWNSHIPS.

Township Council, 69; Head thereof, 69.

Division VI.—PROVISIONAL CORPORATIONS.

Provisional Councils, 70.

TITLE II.—QUALIFICATION, DISQUALIFICATION, EXEMPTIONS.

Division I.—QUALIFICATION.

General qualifications of mayors, aldermen, reeves, deputy-reeves and councillors, 71; Special property qualifications in incorporated villages, 71 subs. (1); in towns, 71 subs. (2); in cities, 71 subs. (3); in townships, 71 subs. (4); "Leasehold" defined, 72; In new townships not having assessment roll, 73; If only one person qualified, 74.

Division II.—DISQUALIFICATION.

Persons disqualified from being members of municipal councils, 75.

Division III.—EXEMPTIONS.

Persons exempt from serving as members of municipal councils, 76; And as municipal officers, 76.

PART III.

MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.

Division I.—QUALIFICATION.

General qualification of electors where there is assessment roll, 77; Property qualification, 78; Where no assessment roll, 79; Number of votes which may be given in towns and cities, 80; In townships and incorporated villages, 81; Where owner and occupant rated severally, 82; Where property owned and occupied jointly, 83; "Householder" defined, 84.

TITLE II.—ELECTIONS.

Division I.—TIME AND PLACE OF HOLDING.

Election of members of council, 85; When to be held, 85; Term of office, 85; When election to be held where corporation newly formed, or extended, or altered, 86; Appointing place for elections in cities, towns and villages, 87; Where no place named, 87; Election in junior township after separation, 88; Existing ward divisions to cease on separation, 89; General vote, 89; Elections of reeves, deputy-reeves and councillors, in townships and villages, to be by general vote, 90; Time and place, 90; Petition for dividing township into wards, 91; Abolishing or altering wards, 91; Election in such case of deputy-reeves, 91; Where elections to be held, 92; Not to be held in certain places, 93.

Division

Division II.—RETURNING OFFICERS.

When election by wards or divisions, 94; When election not by wards or divisions, 95; Absence of returning officer, 96; Returning Officer to be a Conservator of the Peace, 97; His powers, 97; Powers of Justices of the Peace, 97; Special Constables, 98.

Division III.—OATHS.

Oath that may be administered to freeholders, 99; to persons other than freeholders 100; By whom oath to be administered, and when, 101.

Division IV.—PROCEEDINGS AT ELECTIONS.

Meeting in cities and towns for nomination of mayor, reeves, and deputy-reeves, 102; When and where to be held, 102; Distinguishing deputy-reeves according to number, 102; Who to preside, 103; Powers of such person, 103; Meeting for nomination of aldermen in cities, 104; for nomination of councillors in towns, 104; for nomination of reeves, deputy-reeves, and councillors in townships and villages, 104; When and where such meetings to be held, 104; Who to preside, 105; Notice of meetings to be given, 105; By whom, 105; Proceedings at nomination meetings, 106; If poll demanded, 106; When and where poll to be opened, 106; Place for holding election to be fixed by by-law, 107; Returning officers to be appointed, 107; Resignation by persons nominated, 108; Where person nominated for more than one office, 108; Names of persons proposed to be posted up, 108; Returning officer to be provided with list of candidates, 108; Also with list of voters, 109; How list to be made up, 109; Clerk of municipality to supply returning officer with poll book, 110; Entries to be made therein, 110; Where municipality not divided into wards or divisions clerk to be returning officer, 111; List of electors and poll book in such case, 111; Duties, 111; Poll books to be returned, 112; Number of votes to be added up and result of election to be declared, 113; When, where, and how result to be declared, 113; Casting vote in certain cases, 114; Where election not commenced or interruption by riot or emergency, 115; When election to be continued, 115; When election prevented for four days, new election to be ordered; 116; When return from some wards or divisions delayed, 117; How result of election to be ascertained and declared in such case, 118; Declarations and assumption of office by person elected, 119; Wardens to be elected by county councils, 120; Who to preside at such election, 121; Casting vote, 122.

Division V.—VACANCIES IN COUNCIL.

In certain events seat of person elected to become vacant, 123; In any such case seat to be declared vacant and new election ordered, 123; Resignation by mayor or other member of council, 124; New elections provided for, 125; Mode of conducting same, 125;

125; Term of office of persons elected at any such election, 126; Warrant for new election where council for year not organized, 127; Vacancy not to prevent organization, 127; When new election to be held, 128; Notice thereof, 128; In certain cases vacancies may be filled by council, 129; Penalty for refusal to assume office, 129; Resignation by warden, 130; Appointment of successor, 130.

Division VI.—CONTROVERTED ELECTIONS.

Trial of right of municipality to reeve or deputy-reeve, 131; Who may be relator in such case, 131; Trial of validity of election, 131; Who may be relator for such purpose, 131; When proceedings to be taken, 132; Recognizance, 132; Evidence may be taken *viva voce*, 133; When election claimed by relator for himself or another, 134; When several elections complained of on same grounds, 135; When more than one writ to try validity of an election, how to be tried, 136; By whom writ issued, 137; Return day, 137; Returning officer may be made party, 138; Service of writ, 139; Certain persons may be permitted to intervene and defend, 140; Proceedings to be in a summary manner, 141; Evidence, 141; Trial of issues by jury, 141; Removal of persons not duly elected, 142; When person not returned found to have been elected, 142; When no person duly elected, 142; When election of all members of council invalid, 143; Disclaimer when election complained of, 144; Mode of proceeding, 144; Posting and registry of disclaimer, 145; Disclaimer when election not complained of, 146; Effect of disclaimer, 147; Who to be deemed elected in such case, 147; Duplicate of disclaimer to be delivered to clerk, 148; Costs in case of disclaimer, 149; Costs in cases not specially provided for, 150; Decision of judge final, 151; Writ and judgment to be returned, 151; Mode of enforcing judgment, 151; Judges may make rules, 152.

Division VII.—PREVENTION OF CORRUPT PRACTICES.

Who to be deemed guilty of bribery, 153; Of undue influence, 154; Expenses of candidates, 155; Evidence on application in nature of *quo warranto*, 156; Penalty on candidates guilty of corrupt practices, 157; Vote of person guilty of corrupt practices to be void, 158; Additional penalties on persons guilty of corrupt practices, 159; Recovery of penalties, 160; Disabilities until payment, 160; Report by judge of persons guilty of corrupt practices, or condemned in Division Court to pay penalty, 161; Clerk of municipality to keep book shewing names of persons guilty of corrupt practices, 162; Attendance of witnesses, 163; Witnesses not excused from giving evidence on ground of self crimination or privilege, 164; Answer not to be used against witness when certificate given by judge, 164; Limitation of actions, 165; Copies of sections of this Act relating to corrupt practices to be furnished to returning officers, and to be posted up prior to election, 166.

PART IV.

MEETINGS OF MUNICIPAL COUNCILS.

Division I.—WHEN AND WHERE HELD.

When first meetings of councils other than county councils to be held, 167; When first meeting of county council to be held, 167; Where first meetings of county councils to be held, 168; Where subsequent meetings to be held, 169; Where meetings of councils other than county councils to be held, 169; County and township councils may hold sittings, keep offices, and transact business in city, town, or village situate in such county or township, 170; Where special meeting to be held when no place appointed, 171; Special meeting may be open or closed, 171; Remuneration to members of council, 172; Remuneration of head of council, 173.

Division II.—CONDUCT OF BUSINESS.

Ordinary meetings of councils to be open, 174; Excluding persons therefrom, 174; No business to be done until declarations of office administered, 175; Quorum, 176; In councils of five concurrence of three necessary, 177; Head of council to preside, 178; Head of council to summon special meeting at written request of majority of members, 178; Reeves and deputy-reeves to preside in case of death or absence of head of council, 179; and summon special meetings, 179; Where no reeve or deputy-reeve a presiding officer to be appointed by members, 180; Such officer to have all power of head of council, 180; In casual absence of person who ought to preside, chairman to be appointed, 181; His powers, 181; Head of council and presiding officer may vote, 182; Where equality of votes question to be deemed negatived, 182; Adjournment, 183.

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

Division I.—THE HEADS.

Warden to be head of county and provisional corporation, 184; Mayor to be head of city and town, 184; Reeve to be head of township and village, 184; Duties of head of council, 185.

Division II.—THE CLERK.

Every council to appoint a clerk, 186; His duties, 186; Absence of clerk provided for, 187; Minutes and documents under control
of

of clerk to be open to inspection, 188; Copies and certified copies to be furnished, 188; Charges therefor, 188; Return of resident rate-payers to be made by clerk of every city, town, village, and township to provincial treasurer, 189; Affidavit to accompany return, 189; Form of same, 189; When return to be made, 189; Penalty for default, 189; Clerk of township, village, and town to make return to clerk of county, 190; What return to shew, 190; When to be made, 190; Penalty for default, 190; Clerk of county to transmit statement to Provincial Secretary of particulars respecting municipalities in county, 191; When to be transmitted 191; How statement to be made up, 191; Return to be also made as to county as a separate municipality, 191; Clerk of every city and town separated from county to make like return to Provincial Secretary, 192; Provincial Secretary to lay copy of returns before Legislative Assembly, 193; Treasurer of county to retain moneys in his hands if return not made, 194; Provincial Treasurer to retain moneys in his hands if return not made, 194.

Division III.—THE TREASURER.

Every municipal council to appoint a treasurer, 195; Chamberlains of cities to be styled treasurers, 195; Security to be given by treasurer, 195; Council to enquire annually as to sufficiency of security, 195; Duties of treasurer, 196; No member of council to receive money for work, 196; Liability of treasurer limited, 196; Treasurer to prepare half-yearly statement of moneys at credit of corporation, 197; In certain cases a list of persons who have not paid taxes to be prepared, 197; When such list to be prepared, 197; Where treasurer dismissed successor may draw moneys, 198.

Division IV.—ASSESSORS AND COLLECTORS.

Council of city, town, township and village to appoint assessors and collectors, 199; Member of council cannot be appointed, 199; Same person may be assessor or collector for more than one ward or division, 199; In certain cases return to be made of persons who have not paid taxes, 199; When such return to be made, 199; In cities assessment commissioners may be appointed, 200; Commissioner and mayor may appoint assessors and valuers, 200; Commissioner, assessors and valuers to form board of assessors, 200; Duties, 200; City council may determine number of collectors and their duties, 200; May require taxes to be paid by a day named, and in default impose additional percentage charge, 200; Term of office of commissioners, assessors, and collectors in cities, 200; Additional time for returns during present year may be allowed by city councils availing themselves of provisions of sec. 200 of this Act, 200; Notices heretofore given to city clerk to be given to commissioner, 200; Collectors of townships in junior county to be *ex officio* collectors of such townships for provisional council, 201; Such collectors to pay moneys collected under by-laws of provisional council to provisional

visional treasurer, 201 ; Money so collected to be deemed money of union, as regards liability of collectors and sureties, 202 ; Money received by union to be paid to provisional treasurer, 202.

Division V.—AUDITORS AND AUDIT.

Every council to appoint two auditors, 203 ; One of such auditors to be nominated by head of council, 203 ; When appointments to be made, 203 ; Who not to be appointed, 203 ; Duties of auditors, 204 ; Auditors to make abstract and detailed statement of receipts, expenditure, assets and liabilities, 205 ; To report in duplicate on all accounts audited, 205 ; Special report of any illegal expenditure, 205 ; Report to be filed, 205 ; To be open to inspection, 205 ; Copies, 205 ; Auditor's abstract and report to be published, 206 ; Also detailed statement in such form as council directs, 206 ; Council to finally audit accounts, 207 ; Where charges not regulated by law, council to allow what is reasonable, 207 ; County council to regulate and audit moneys payable out of funds in hands of county treasurer, 208 ; In cities and towns auditors may be appointed to examine accounts daily or otherwise, 209 ; and in other municipalities to examine accounts monthly or quarterly, 209.

Division VI.—VALUATORS.

County councils may appoint valuers, 210 ; Duties, 210 ; Powers, 210 ; Mode in which valuation to be made, 210 ; Such valuation to be basis of equalization of real property, 210.

Division VII.—DUTIES OF, RESPECTING OATHS AND DECLARATIONS.

Every person elected or appointed to an office requiring property qualification to make declaration of qualification, 211 ; Form, 211 ; Returning officers and their clerks, members of council, and officers of corporation to make declaration of office, 212 ; Form, 212 ; Auditors to make declaration, 213 ; Form, 213 ; Before whom declarations to be made, 214 ; Certificate of declarations having been made, 214 ; Members of council, justices of the peace, and clerk of municipality may in certain cases administer oaths and declarations as to business of place where he holds office, 215 ; Every oath and declaration to be subscribed and kept, 216 ; Head of council or chairman may administer oaths as to accounts or other matters submitted to council, 217 ; Penalty for refusing to accept office, 218 ; Or to make declarations, 218 ; Or to administer same, 218 ; How such penalties enforced, 218.

Division VIII.—SALARIES AND TENURE OF OFFICE.

Remuneration of officers, 219 ; Mode of appointing officers, 219 ; Tenure of office, 220 ; Duties, 220 ; Gratuities after long service, 221.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

Division I.—NATURE AND EXTENT.

Jurisdiction of council confined to municipality, unless otherwise authorized, 222; Powers of council to be exercised by by-law, unless otherwise authorized, 222; Power of council to make regulations, 223; Nature of such regulations, 223; May repeal, alter and amend by-laws, 223; Council cannot grant monopolies, 224; Nor impose special tax on persons exercising any trade or calling, 224; Nor require license for exercising same, 224; unless authorized by statute, 224; May direct payment of fee, not exceeding \$1, for certificate of compliance with regulations in regard to such trade or calling, 224; May grant exclusive privileges in any ferry vested in corporation, 225; Exceptions as to certain ferries, 225.

TITLE II.—RESPECTING BY-LAWS.

Division I.—AUTHENTICATION OF.

By-laws to be under corporate seal and signed by head of corporation (or person presiding) and clerk, 226; Proof of by-laws, 227; Verification of facts to be recited in by-law requiring approval of governor in council, 228.

Division II.—OBJECTIONS BY RATE-PAYERS.

Objection by rate-payer to by-law, the passing of which is to be preceded by application of certain number of rate-payers, 229; Proceedings, 229; If council satisfied that application for by-law to pass not sufficient, by-law not to pass, 230.

Division III.—VOTING ON BY ELECTORS.

Where by-law requires assent of electors, mode of obtaining same, 231; Who may vote on by-law as freeholders, 232; Provision for new municipalities where no assessment roll, 232; Who may vote on by-law as leaseholders, 233; Provision for new municipalities where no assessment roll, 233; Oath that may be required of freeholder voting, 234; Oath that may be required of leaseholder voting, 235; By-law carried by majority of voters, to be passed by council within six weeks, 236.

Division IV.—CONFIRMATION OF.

Promulgation of by-laws, 237; Notice of time within which application to quash must be made, 238; If application to quash
not

not made within time limited, the by-law, or so much as is not subject of application, to become a valid by-law, notwithstanding certain defects, 239.

Division V.—QUASHING BY-LAWS.

How and by whom applications to quash to be made, 240 ; Rule to shew cause why by-law should not be quashed, 240 ; Within what time application to quash to be made, 241 ; Within what time application to quash to be made where by-law promulgated, 242 ; Quashing by-laws obtained by corrupt practices, 243 ; Proceedings in such case, 244 ; Stay of proceedings on by-law in such case, 245 ; Where municipality liable for acts done under illegal by-law, action not to be brought until one month after by-law quashed or repealed, 246 ; Notice of action, 246 ; Tender of amends, 247 ; Costs in such case, 247.

Division VI.—BY-LAWS CREATING DEBTS.

Councils may pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of same, 248 ; Conditions necessary to be performed, 248, 249 ; What by-law for work payable by local assessment shall recite, 249 ; Council may make debt repayable by annual instalments, 250 ; What to be set out in by-law in such case, 250 ; In such case not necessary to provide for sinking fund, 250 ; By-laws for raising money not for ordinary expenses must be assented to by electors, 251 ; Exception as to debts for drainage and for works payable entirely by local assessment, 251 ; Exception in case of by-laws by county councils as to debts not exceeding in any one year \$20,000 beyond ordinary expenditure, 251 ; No such by-laws as last mentioned to be valid unless passed at special meeting, and after publication of notice, 252 ; Form of notice, 252 ; Where part only of money has been raised, council may on certain conditions repeal by-law as to any part of residue, 253 ; Until debt and interest paid certain by-laws cannot be repealed or altered, 254 ; Until debt and interest paid, application of moneys for payment of same not to be altered, 254 ; No officer of corporation to neglect or refuse to obey a by-law for paying a debt, under colour of illegal by-law attempting to repeal or alter same, 255 ; Councils may contract debts to Her Majesty in purchase of certain works or claims thereto, 256 ; May execute securities to Her Majesty for payment of price, 256 ; And securing performance of conditions, 256 ; Such by-laws, debts and securities to be valid although no special or other annual rate settled, 256 ; Rates may be imposed for discharge of any such obligations to Her Majesty, 257.

Division VII.—BY-LAWS RESPECTING YEARLY RATES.

Councils shall assess and levy in each year a sufficient sum to pay debts, 258 ; Councils not to assess or levy in any year more than

than an aggregate rate of two cents in dollar, on actual value exclusive of school rates, 258; Exception as to municipalities where rate of two cents in dollar not sufficient to pay current expenses and debts, 258; Such municipalities not to contract new debts, 258; Exception as to special provisions of other Acts, 258; Power to exempt manufacturing establishments from taxation, 259; In certain cases the rate imposed may be reduced by by-law, 260; Recitals and other conditions requisite to validity of such by-law, 261.

Division VIII.—ANTICIPATORY APPROPRIATIONS.

Anticipatory appropriations for ensuing year may be made in lieu of special rates in respect of debts, 262; From what moneys same to be made, 262, subs. (1); What by-law shall state, 262, subs. (2); When moneys retained sufficient to meet sinking fund and interest, special rate may be suspended by by-law, 262, subs. (3); Recitals in such by-law, 263; Such by-law must be approved by Governor in Council, 263; On dissolution of union, senior municipality may make anticipatory appropriation for relief of junior, 264.

TITLE III.—RESPECTING FINANCE.

Division I.—ACCOUNTS AND INVESTMENTS.

Councils to keep two separate accounts, one for special rate and one for sinking fund, or instalments of principal of debt, 265; How such accounts to be kept, 265; How surplus to credit of special rate account, if any, after payment of interest, and sinking fund or instalment of principal is to be applied, 266; Governor in Council may direct produce of special rate at credit of sinking fund account, or special rate account, to be applied in discharge of debt or debentures, 267; Duties of council in such case, 267; If such produce of special rate cannot be applied in discharge of debt, same to be invested as directed by Governor in Council, 268; Council may apply in discharge of debt the income of public works, unappropriated money, and money raised by additional rate, 269; Certain surplus moneys may be set apart for educational purposes, 270; Investment of such moneys, 270; Such moneys may be invested in loans to boards of school trustees, 271; Money may be given in aid of poor school sections, 271; No member to be party to any investment by corporation, 272; Exceptions, 272; Liability of any member so doing for any loss, 272; Municipalities indebted to Municipal Loan Fund to make annual returns to provincial treasurer, 273; When such returns to be made, 273; Nature of such returns, 273; Penalty for default, 273; Every council to transmit annually to the Governor an account of all debts, 274; When such account to be transmitted, 274; Nature of such account, 274; Penalty for default, 274.

Division

Division II.—COMMISSION OF ENQUIRY INTO FINANCES.

When commission to issue, 275 ; Powers of commissioners, 275 ; Expenses of commissioners, how determined, 276 ; To be a debt due commissioners by corporation, 276 ; When and how such debt payable, 276.

TITLE IV.—ARBITRATIONS.

Division I.—APPOINTMENT OF ARBITRATORS.

How appointments to be made, 277 ; Arbitrators on behalf of corporation to be appointed by council, or head thereof, if authorized by by-law, 278 ; Either party may appoint arbitrator, and give notice to opposite party to do same, 279 ; Notice to a corporation to be given to head, 279 ; The two arbitrators appointed to choose a third within seven days, 280 ; When more than two municipalities interested each to appoint an arbitrator, 281 ; In case of equality of arbitrators, the arbitrators to appoint another, 281 ; On default for 21 days Governor in Council to appoint such arbitrator, 281 ; In all other cases of default in appointing arbitrators Judge of County Court or Governor in Council (according to circumstances of case) may make appointment, 282 ; Arbitration between corporation and owner of property as to roads, streets, and other communications or as to drains and sewers, 283 ; Provision in such case if owner fails to name arbitrators, 284 ; Where several persons have distinct interests in the property, 285 ; Where default made in appointing arbitrators under the preceding sections, County Court Judge to make appointments, 286 ; Time within which awards to be made, 287 ; Certain persons disqualified from acting as arbitrators, 288.

Division II.—PROCEDURE.

Arbitrators to take oath before acting, 289 ; Form of same, 289 ; Time of meeting to hear and determine matter, 290 ; Place of meeting, 290 ; Manner in which award to be made, 290 ; Award to be filed, and how, 290 ; Costs, 291 ; In case of difference majority to decide, 292 ; In certain cases notes of evidence to be taken and filed, 293 ; Documentary evidence, or copies to be filed, 293 ; Where arbitrators proceed partly on view, or any knowledge or skill possessed by themselves, a statement thereof is to be made in writing, 293 ; In certain cases where award relates to property to be entered upon, or taken by corporation, such award not to be binding unless adopted by by-law, 294 ; Award to be adopted within 6 weeks from making thereof, 294 ; Effect of not adopting award, 294 ; Costs in such case, 294 ; Every award to be in writing under hands of all or two of arbitrators, 295 ; To be subject to jurisdiction of superior courts, 295 ; Powers of such courts, 295.

TITLE

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

How debentures and other instruments to be executed, 296 ; Treasurer to see that money collected under by-law is properly applied on debentures, 296 ; Debentures in aid of railways, or for any bonus which are executed as directed by by-law, shall be valid without corporate seal thereto or observance of usual formalities, 297 ; In certain cases debentures valid notwithstanding defect in form or otherwise, or in authority of corporation, 298 ; Form of tures may be issued transferable only by entry on transfer book, after certificate of ownership endorsed, 300 ; Treasurer of muni-debentures, 299 ; "Local Improvement Debenture," 299 ; Debent-unicipality issuing such debentures to keep a "Debenture Registry Book," 301 ; What to be entered therein, 301 ; By what author-ity only such entries to be made, 301 ; After certificate of owner-ship endorsed debentures only transferable by entry, 302 ; Every council may authorize its head and treasurer to borrow sums to meet current expenses until taxes collected, 303 ; Council to regulate amounts to be borrowed, and note or notes to be given as security, 303 ; Without special authority no council to give any bond, bill, debenture, &c., for less than \$100, 304 ; Municipal councils not to act as bankers, 304.

TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

Division I.—CORONERS AND JUSTICES OF THE PEACE.

Coroners may be appointed for incorporated city or town, 305 ; Certain persons to be *ex officio* justices of the peace, 306 ; Police magistrates to be *ex officio* justices of the peace for city or town in which they hold office, 307 ; Where there is a police magis-trate certain duties not to be performed by other justices, 308 ; Exceptions, 308 ; Police magistrates or mayors (according to cir-cumstances) to try offences against by-laws and persons refusing to accept office, or make declarations, 309 ; Justices of county to have jurisdiction in cases under by-laws of municipalities therein, not having police magistrate, 310 ; Jurisdiction as to offences against by-laws in cases not specially provided for, 311 ; Jurisdic-tion of county justices to continue as to certain towns, 312 ; When town erected into city and council organized, commissions of peace for town to cease, 313 ; Qualification of certain officials as justices of the peace, 314.

Division II.—PENALTIES.

Recovery and enforcement of fines and penalties imposed by or under this Act, 315 ; in default of payment offender may be im-prisoned, 315 ; application of such pecuniary penalties where not otherwise provided for, 316 ; Penalties and punishments for of-fences against by-laws, how enforced, 317-318 ; Evidence in such cases, 317 ; Justice may award penalty or punishment and costs, 317 ;

317; may issue warrant for levy of pecuniary penalty and costs by distress, 317; where no distress found may commit offender, 318; Application of such pecuniary penalties, 319.

Division III.—WITNESSES AND JURORS.

Upon hearing of information or complaint, persons entitled to part of penalty on conviction, not to be excluded as witnesses by reason thereof, 320; In proceedings in which corporation a party no ratepayer, member, officer or servant of corporation to be incompetent as witness on that account, 321; but such last mentioned persons may be challenged as jurors, except where the corporation which is party is a county, 321; How witnesses compelled to attend and give evidence, 322.

Division IV.—CONVICTIONS UNDER BY-LAWS.

Not necessary in conviction under by-law to set out information, appearance or non-appearance, evidence, or by-law, 323; Form of conviction, 323.

Division V.—EXECUTIONS AGAINST MUNICIPAL CORPORATIONS.

Writs of execution may be endorsed with direction to sheriff to levy amount by rate, 324; Proceedings thereon, 324; Sheriff to deliver copy of writ and endorsement, with a statement of claim to treasurer, 324 subs. (1); If claim not paid, rate to be struck by sheriff, 324 subs. (2); Sheriff to issue precept to collectors to levy rate, 324 subs. (3); Rate-rolls, 324 subs. (4); Disposition of surplus after satisfying execution, 324 subs. (5); Clerk, assessors and collectors of corporation to be deemed officers of court from which writ issued, 325.

Division VI.—COSTS IN MANDAMUS.

Costs in proceedings on *Mandamus* in discretion of court, 326.

Division VII.—CONTRACTS VOID ALIKE IN EQUITY AND AT LAW.

Where member of council enters into contract in which corporation interested as a party, and which is on that account void in equity, such contract shall be also void at law, 327.

Division VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

Police offices to be established in cities and towns, 328; Certain persons to attend there for disposal of business, 328; Times for such attendance, 328; Attendance not required on certain holidays, except in case of urgent necessity, 328; Clerk of police office to be appointed, 329; His duties, 329; His remuneration, 329; In what cases police magistrates shall be appointed, 330; Salaries, 330; Police magistrates may be appointed in towns of
not

not more than 5000 inhabitants on certain conditions, 331; Provision as to police magistrates appointed before passing of this Act, 331; Police magistrate to be appointed by Governor, 332; Tenure of office, 332.

Division IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

In cities and towns where there is a police magistrate board of commissioners of police constituted, 333; Of whom board to consist, 333. Commissioners to have power to summon and examine witnesses on oath, 333; Quorum, 334; Board in cities may regulate and license livery-stables, cabs, etc., 335; May fix rates of fare, 335; and provide for enforcing same, 335; May pass by-laws for any such purposes, 335; Authentication of such by-laws, 336; Proof of such by-laws, 336; May enforce by-laws by penalties, 337; How same to be recovered, 337; Form of conviction, 337; High bailiffs to be appointed in cities, 338; Offices of high bailiff and chief constable may be held by same person, 338; Police force in cities and towns, 339; How members of force appointed, 340; Tenure of office, 340; Oath of office to be taken, 340; Form, 340; Board of commissioners to make police regulations, 341; Constables to be subject to board, 342; Duties, powers and privileges of constables, 342; Remuneration, 343; Expense of clothing and other necessities, 343; In towns not having police magistrate, council to appoint chief constable and other constables, 344; Tenure of office, 344; Arrests by constables for alleged breaches of the peace not committed in their presence, 345; Before organization of police board, mayor or police magistrate may suspend constable from office, 346; Filling vacancies caused thereby, 346; Report to be made to council in such case, 346; Powers of council, 346; Powers of city council as to high bailiff, 345; During suspension, officer not to act without permission, 347; Salary, etc., to cease, 347.

Division X.—COURT HOUSES, GAOLS, AND OTHER PLACES OF IMPRISONMENT.

County councils may pass by-laws for erecting, improving and repairing court-houses, gaols, &c., 348; Court-house, gaols, &c., of county in which city or town not separated is situate, to be court-house, gaol, &c., of such city or town, 349; Council of city may otherwise direct, 349; Sheriff, gaoler, keeper, &c., to receive all persons committed thereto by authorities of city or town, 349; City council may erect, &c., court-houses, gaols, &c., 350; May pass by-laws for such purposes, 350; County councils may establish lock-up houses, 351; May provide for remuneration of constable in charge, 351; Every such lock-up house to be placed in charge of a constable specially appointed, 352; Councils of other municipalities may establish lock-up houses for certain purposes, 353; Such council to possess same powers in relation thereto as county councils, 353; Municipalities may unite to establish

establish a lock-up house, 354; Councils of counties, cities and separated towns may acquire lands for industrial farms, 355; May establish houses of industry, 355; Houses of refuge, 355; May make by-laws for appointment of inspectors, officers and servants, 355; And for management, 355; Two counties, or county and city, or county and town may have house of industry or of refuge in common, 355; Duties of Inspector, 356; City and town councils may establish workhouses and houses of correction, 357; who liable to be committed thereto, 357; Manner of committing, 357; By whom committal may be made, 357; All such houses to be deemed to be within the city or town, 357; Sheriff to have care of gaol, 358; And of keepers thereof, 358; Salaries of keepers, 358; County council to have care of court-house and offices, 359; And appoint keepers thereof, 359; Duty of keepers, 359; County council to provide accommodation, fuel, light, &c., for all courts of justice and officers thereof, except division courts, 359; In city not separate from county, but having separate gaol or court-house, care thereof to be regulated by city by-laws, 360; Regulations of court houses and gaols on separation of union of counties, 361; Municipality in which division court held to furnish accommodation for holding same, 362; Expenses of court-houses and gaols in case of cities and towns separated from counties, 363; Differences to be settled by arbitration, 363; Compensation by city or town for use of county court-house, gaol, &c., 364; After five years, amount of compensation may be re-considered, 365; Proceedings in such case, 365; Existing lock-up houses not to be affected by this Act, 366; This Act not to affect 29 & 30 Vic., c. li., s. 409, 367; Provisions of such section set out, 367; Expenses of conveying prisoners to and maintaining them in lock-up houses, 368; This Act not to affect 29 & 30 Vic., c. 51, ss. 414-415, 369; Provisions of such sections set out, 369.

Division XI.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.

At instigation of council, county court judge to enquire into charges of malfeasance by officers of corporation, 370; Judge in such cases to have powers of commissioners under 31 Vic., (Ont.) c. 6, 370.

Division XII.—WHEN MAYOR MAY CALL OUT POSSE COMITATUS.

Mayor of city or town may call out *posse comitatus* under like circumstances as sheriff may now do so, 371.

PART VII.

GENERAL POWERS OF MUNICIPAL CORPORATIONS.

Division I.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

Such councils may make by-laws :—

For acquiring real and personal property and for disposing of same, 372 subs. (1) ; And for erecting, &c., buildings, 372 subs. (1) ; For appointing, regulating and removing certain officers, 372 subs. (2) ; For regulating remuneration, fees, &c. of such officers, also their duties, and securities to be given, 372 subs. (3) ; For aiding agricultural and horticultural societies, board of arts and manufactures, and mechanics' institutes, 372 subs. (4) ; For aiding manufacturing establishments (provided such by-laws receive assent of electors), 372 subs. (5) ; For aiding road and bridge companies, 372 subs. (6) ; For aiding indigent persons and charitable institutions, 372 subs. (7) ; For taking census, 372 subs. (8) ; For regulating traffic on highways and bridges, 372 subs. (9) ; For regulating drains, sewers and watercourses, 372 subs. (10) ; For inflicting fines and penalties for non-performance of duties by persons holding office, for not accepting office, and for not making declaration of office, 372 subs. (11) (a) ; For inflicting fines and penalties for breach of by-laws, 372 subs. (11) (b) ; For collecting such penalties and costs, 372 subs. (12) ; For inflicting imprisonment in case of non-payment of fines and there being no distress, 372 subs. (13) ; For prohibiting sale of intoxicating liquors, and issue of licenses, 372 subs. (14) ; For purchase of wet lands from government, 372 subs. (15) ; Corporation may raise money for purchase and drainage of such wet lands, 372 subs. (16) ; Corporation may hold, or sell or dispose of such wet lands, 372 subs. (17) ; Proceeds of any such sale to form part of general funds of municipality, 372 subs. (18) ; Councils may make by-laws for regulating removal of trees and shrubs growing in public places, 372 subs. (19) ; Councils to compensate owners or occupiers of lands taken or injuriously affected by corporation, 373 ; How title acquired and other matters settled with reference to lands vested in corporations, tenants in tail or for life, guardians, committees and trustees either for themselves or persons under disabilities, 374 ; Or where there is no person who can convey, 374 ; Application of purchase money where person acting under section 374 has not the absolute estate, 375 ; Purchase money to be subject to all charges on the property, 376 ; When corporation has power to direct performance of any act, on default council may direct act to be done at expense of party in default, 377.

Division

Division II.—POWERS OF COUNCILS OF COUNTIES, CITIES, TOWNS AND INCORPORATED VILLAGES.

Such councils may make by-laws :—

For regulating care of wharves, docks, sewers, bays, harbours, &c., 378 subs. (1) ; For removing at expense of proprietor, erections or obstructions projecting into or over same, 378 subs. (2) ; For altering, improving and maintaining same, 378 subs. (3) ; For regulating harbours, beacons, wharves, elevators, &c., also vessels arriving in harbour ; and for imposing and collecting harbour dues, 378 subs. (4).

Division III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

Such councils may pass by-laws :—

For dividing city or town into wards, and township or village into electoral divisions, 379 subs. (1) ; For establishing polling places, 379 subs. (1) ; When and how electoral divisions to be altered 379 subs. (1) ; For disqualifying electors who have not paid taxes, 379 subs. (2) ; For licensing and regulating the use of billiard and bagatelle tables, 379 subs. (3) ; For limiting number of, and regulating victualling houses, and places for refreshment, 379 subs. (4) ; For licensing same, 379 subs. (5) ; For acquiring land for public school purposes, and disposing of same, 379 subs. (6) ; For establishing and supporting public schools, 379 subs. (6) ; For acquiring land for cemeteries, 379 subs. (7) ; Proceedings in such case, 379 subs. (7) ; Such land although without municipality to become part thereof, 379 subs. (7) ; For selling or leasing portions of such land for family vaults, &c., 379 subs. (8) ; For preventing cruelty to animals, and destruction of birds, 379 subs. (9) ; For regulating running at large of dogs, and imposing tax on owners, 379 subs. (10) ; For killing dogs running at large, 379 subs. (11) ; For settling height and description of lawful fences, 379 subs. (12) ; For regulating lawful division fences, and cost of same, 379 subs. (13) ; What law to be in force until such last mentioned by-laws made, 379 subs. (13) ; For regulating open drains and watercourses, and compelling erection, &c. of water gates, 379 subs. (14) ; For destruction of weeds, 379 subs. (15) ; For preventing throwing of dirt in streets and highways, 379 subs. (16) ; For regulating the burning of stumps, trees, brush, &c., 379 subs. (17) ; For regulating public shows and exhibitions, and licensing same, 379 subs. (18) ; For imposing fines for infraction of such last mentioned by-laws, 379 subs. (18) ; Proviso that licenses not to be granted for holding shows, &c., at certain times and places, 379 subs. (18) ; For protecting cemeteries, graves, tombs, &c., 379 subs. (19) ; For encouraging planting of fruit and shade trees, 379 subs. (20) ; For preventing injury of shade or ornamental trees, 379 subs. (21) ; For preventing defacing of property by printed or other notices, 379 subs. (21) ; For protecting signboards, 379 subs. (22) ; For authorizing

thorizing laying of gas and water pipes, 379 subs. (23); For acquiring stock in, and giving aid to gas and water companies, 379 subs. (24); By-laws for such last mentioned purposes to receive assent of electors, 379 subs. (24); In certain cases heads of corporations, to become, *ex officio*, directors of such companies, 379 subs. (24); For ascertaining and establishing boundaries of municipality, 379 subs. (25); For appointing inspectors of weights and measures, 379 subs. (26); For visiting places where weights and measures used, 379 subs. (27); For destroying such as are not according to standard, 379 subs. (28); For imposing penalties on persons having unstamped or unjust weights or measures, 379 subs. (29); For seizing bread or other articles of light weight or short measure, 379 subs. (30); For preventing sale of intoxicating liquor to children servants, &c., 379 subs. (31); For preventing posting of indecent placards, or writing or drawing of indecent words or pictures in public places, 379 subs. (32); For preventing vice, drunkenness, swearing, obscene or insulting language, immorality or indecency, &c., 379 subs. (33); For suppressing houses of ill-fame, &c., 379 subs. (34); For preventing or regulating and licensing exhibitions and places of amusement, 379 subs. (35); For suppressing gaming, 379 subs. (36); For preventing horse racing, 379 subs. (37); For restraining and punishing vagrants, mendicants and drunk and disorderly persons, 379 subs. (38); For preventing indecent exposure of person and other indecent exhibitions, 379 subs. (39); For regulating bathing in public waters, 379 subs. (40).

In certain cases councils may apply for erection of durable monuments marking boundaries of concessions, lots, &c., 380; Proceedings in such cases, 380.

Councils may pass by-laws:—

For providing pounds, 381 subs. (1); For regulating running at large of animals, and impounding them, &c., 381 subs. (2); For appraising damages to be paid by owners of animals impounded for trespassing, 381 subs. (3); For determining compensation for services in respect to animals impounded or distrained, &c., 381 subs. (4); Members of councils to be health officers under Acts respecting public health, 382; The council may by by-law delegate the powers of its members as health officers, 382.

Division IV.—POWERS OF COUNCILS OF COUNTIES, CITIES, AND SEPARATED TOWNS.

Such councils may make by-laws:—

For appointing and removing engineers, inspectors of houses of industry, gaol surgeons, &c., 383 subs. (1); For licensing and regulating auctioneers, 383 subs. (2); For licensing and regulating hawkers, petty chapmen, and pedlars, 383 subs. (2); For providing clerks with licenses for sale to auctioneers, hawkers, &c., 383 subs. (2); But no duty to be imposed for peddling goods,

goods, &c., (others than liquors) the growth, produce or manufacture of this Province, 383 subs. (3); For regulating, with assent of Governor in Council, certain ferries and rates of ferriage, 383 subs. (4); Provision until by-laws made, and for cases to which by-laws cannot be extended, 383 subs. (4); For acquiring lands for High School purposes, and disposing of same, 383 subs. (5); For erecting and maintaining school houses for such schools, 383 subs. (5); For aiding High Schools, 383 subs. (6); For supporting certain High School pupils at University of Toronto and Upper Canada College, 383 subs. (7); For supporting certain Common School pupils at High School, 383 subs. (8); For endowing fellowships, scholarships, &c., in University of Toronto and U. C. College, 383 subs. (9); For authorizing (on petition) the holding of public fairs for certain purposes, and for regulating same, of the passing of which by-law notice is to be given, 383 subs. (10).

Division V.—POWERS OF COUNCILS OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

Such council may pass by-laws:—

For establishing and regulating public wells, reservoirs, &c., 384 subs. (1); For establishing markets, 384 subs. (2); For regulating markets, 384 subs. (3); Provision as to existing markets, 384 subs. (3); For preventing or regulating sale by retail of certain articles in streets, &c., 384 subs. (4); For preventing or regulating sales of things marketed, 384 subs. (5); For regulating place and manner of selling grain, butchers' meat, fish, farm produce, small wares, &c., 384 subs. (6); For preventing criers and venders of small wares from practising their calling in certain places, 384 subs. (6); For preventing forestalling, regrating or monopoly of certain articles, 384 subs. (7); For regulating purchases of certain articles by hucksters, &c., 384 subs. (8); For regulating mode of measuring lime, shingles, laths, cordwood, coal, &c., 384 subs. (9); For imposing penalties for light weight, &c., of thing marketed, 384 subs. (10); For regulating vehicles or vessels in which anything is exposed for sale, and imposing duty thereon, 384 subs. (11); For regulating assize of bread, and preventing use of deleterious materials, &c., 384 subs. (12); For selling meat distrained for rent of market-stalls, 384 subs. (13); For seizing and destroying unwholesome provisions, 384 subs. (14); For prevention of nuisances, 384 subs. (15); For regulating privy vaults, 384 subs. (16); For regulating slaughter-houses, gas-works, tanneries, distilleries, &c., 384 subs. (17); For preventing ringing of bells and unusual noises, 384 subs. (18); For regulating the firing of fire-arms, fire-works, &c., and preventing charivaries, &c., 384 subs. (19); For enclosure of vacant lots, 384 subs. (20); For preventing driving, &c., on sidewalks, 384 subs. (21); For preventing the importuning of travellers, 384 subs. (22); For providing for the public health, 384 subs. (23); For regulating interments, 384 subs. (24); For keeping bills

bills of mortality, 384 subs. (25); For regulating the keeping and transportation of gunpowder and other such materials, and providing magazines for storing same, and fees for their support, 384 subs. (26); For appointing fire companies, &c., 384 subs. (27); For providing medals and rewards for services at fire, and granting aid to widows and orphans of persons killed at fires, 384 subs. (28); For regulating use of fire or lights in certain places, 384 subs. (29); For regulating trades dangerous in causing fire, 384 subs. (30); For regulating construction of chimneys, stoves, boilers, &c., 384 subs. (31), & (32); For cleaning chimneys, 384 subs. (32); For regulating keeping of ashes, 384 subs. (33); For regulating party walls, 384 subs. (34); For providing scuttles or ladders to roof, 384 subs. (35); For guarding buildings against fire, 384 subs. (36); For providing of fire-buckets, 384 subs. (37); For inspecting premises to ascertain if fire regulations obeyed, 384 subs. (38); For suppressing and preventing spread of fires, 384 subs. (39); For compelling assistance at fires, and protection of property thereat, 384 subs. (40); For compelling removal of snow, and cleaning of sidewalks and streets, &c., and on default charging defaulter, 384 subs. (41); For preventing obstruction and fouling of streets, 384 subs. (42); For removal of door-steps, &c., 384 subs. (43); For numbering houses, 384 subs. (44); For keeping record of streets, numbers of houses, &c., 384 subs. (45); For laying out and naming streets, 384 subs. (46); For ascertaining levels of cellars, 384 subs. (47); For compelling the furnishing of ground plan, &c., of buildings to be erected, 384 subs. (48); For regulating construction of cellars, sinks, privies, &c., 384 subs. (49); For filling in, draining, &c., hollow places, yards, sinks, &c., 384 subs. (50); For regulating sewerage or drainage, 384 subs. (51); For charging rent for sewers, 384 subs. (52); For licensing and regulating transient traders, 384 subs. (53); For regulating traffic in streets, width of wheels, &c., 384 subs. (54).

Division VI.—POWERS OF COUNCILS OF CITIES AND TOWNS.

Such councils may pass by-laws:—

For licensing intelligence offices, 385 subs. (1); For regulating same, 385 subs. (2); For regulating duration of such licenses, 385 subs. (3); For prohibiting opening of such offices without license, 385 subs. (4); For fixing fees for such licenses, 385 subs. (5); For regulating erection of buildings, for fixing fire limits, for preventing erection and for removal of wooden buildings therein, and preventing erection therein of buildings other than those of brick, stone, etc., 385 subs. (6); For establishing a police, 385 subs. (7); For acquiring lands for industrial farms, parks, etc., 385 subs. (8); For the erection on such lands of buildings, fences, etc, 385 subs. (9); For the management of such farms, parks, etc., 385 subs. (10); For establishing and regulating alms-houses, houses of refuge, etc., 385 subs. (11); For appointing a surveyor, 385 subs. (12); For lighting city or town
with

with gas, 385 subs. (13); For laying down gas and water pipes, 385 subs. (14); For inspection of gas meters, 385 subs. (15); For providing for appointment and election of commissioners for construction, etc., of gas and water works, 385 subs. (16); For construction of gas and water works, and levying rate to defray expense of same, 385 subs. (17);

No by-law under last sub-section of preceding section to pass without compliance with certain conditions, 386; If any such by-law rejected by electors, no by-law for same purpose to be submitted during current year, 387; Where gas or water company incorporated for municipality, certain conditions to be complied with before gas or water rate can be levied, 388; Proviso as to provisions in special Acts, 389.

Division VII.—POWERS OF COUNCILS OF TOWNSHIPS, TOWNS, AND INCORPORATED VILLAGES.

Such councils may pass by-laws:—

For voluntary commutation of statute labour, 390 subs. (1); For compulsory commutation, 390 subs. (2); For fixing number of days' statute labour, 390 subs. (3); For enforcing statute labour, 390 subs. (4); For regulating performance of same, 390 subs. (5); For regulating shop and tavern licenses and sale of spirits, and appointing inspectors, 390 subs. (6).

Division VIII.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

Such councils may pass by-laws:—

For regulating and licensing owners of livery stables, cabs, etc.; for establishing rates of fares, and enforcing payment thereof, 391.

Division IX.—EXCLUSIVE POWERS OF COUNCILS OF COUNTIES.

Such councils may make by-laws for protecting and regulating booms on streams or rivers, 392; Board of audit to be appointed, 393; Remuneration of members of board, 394; Councils may, under certain circumstances, regulate and license owners of livery stables, cabs, etc., issue teamsters' licenses, regulate width of tires, and fix rates of fares, etc., 395; Rewards may be given for apprehension of horse-thieves, 396; Council of union may aid either county in making improvements, 397; Who to vote in such cases, 398; Provisions of this Act for repayment to apply, 399; Treasurer to pay over moneys without deduction, 400; What property to be assessed in such cases, 401.

Division X.—POWERS OF TOWNSHIPS.

Township councils may make by-laws for preventing the obstruction of streams and water-courses, 402 subs. (1): For levying expenses

penses thereof, 402, subs. (2); and for imposing penalties for obstructing, 402 subs. (3); Removal of obstructions where stream or creek runs through more than one municipality, 403.

Division XI.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

Certain roads to be deemed common and public highways, 404; Unless otherwise provided, soil and freehold of certain highways to be vested in Her Majesty, 405; Jurisdiction of municipal councils over highways, roads and bridges, 406; Roads, streets, bridges, etc., in cities, townships, towns and villages, vested in municipalities subject to certain rights, 407; Councils of cities may acquire highways and lands adjacent thereto, 408; Repairing of highways, etc., 409; Limitation of actions for damages arising from want of repair, 409; Provisions of section 409 not to extend to roads, bridges, highways, etc., laid out by private persons, 409; County council to have exclusive jurisdiction over certain roads and bridges, 410; County council may make certain boundary lines at expense of county, 411; Roads and bridges assumed by county council to be improved and maintained in a certain manner, and certain bridges to be built, 412; Bridges over rivers forming boundaries between counties, or county and city, to be erected and maintained by county and city councils, 413; Differences to be settled by arbitration, 413; Township councils to keep township boundary lines not assumed by county council, 414; Township councils to maintain township boundaries forming also county boundaries, unless same assumed by counties, 415; Jurisdiction over roads wholly or partly between adjoining municipalities, 416; In such cases councils of both municipalities must concur in making by-laws respecting such roads, 417; Arbitration if they do not concur, 418; Powers of quarter sessions as to roads and bridges (unless otherwise conferred) to rest in county councils, 419; Penalties for breach of duty, 419; Councils not to interfere with roads or bridges vested as Provincial works in Her Majesty or a public department, 420; Governor may declare road or bridge to be no longer under control of Commissioner of Public Works, 420; Result of such declaration, 420; Councils not to interfere with ordinance roads or lands, 421; Nor lands or works of Dominion of Canada, 421; Nor lands reserved for military purposes, 421; If consent of Dominion of Canada given to such interference, same to be recited in by-law, otherwise it shall be void, 421; Council not to close road required by individual for ingress or egress from his property, 422; Proviso if new road provided and compensation given, 422; Width of roads and streets, 423; Conditions precedent to passing by-laws intended to affect public roads, etc., 424.

Municipal Councils may pass by-laws :—

For opening, stopping up, altering, improving, &c., roads, squares, bridges, &c., and removing obstructions thereon, 425 subs.

(1);

(1); For raising money by toll, 425 subs. (2); For making regulations as to places dangerous to travellers, 425 subs. (3); For preserving or selling timber, stone, gravel, &c., on appropriations for roads, 425 subs. (4); For regulating road and bridge companies, 425 subs. (5); For granting right to take tolls, 425 subs. (6); For searching for and taking materials for roads, 425 subs. (7); For selling original road allowance where new road opened in lieu thereof, and for selling roads stopped up, 425 subs. (8); Conveying original road allowance as compensation to person whose land has been taken for road in lieu of such allowance, where such person owns land adjoining such original allowance, 426; Compensation to person whose land has been taken, where he does not own land adjoining original allowance, 426; Persons in possession of unopened road allowances to be entitled thereto as against private persons, until passing of by-law for opening same, 427; Notice of intention to pass such by-law to be given to person in possession, 428; All councils may make by-laws for aiding adjoining municipalities to make roads, bridges, &c., 429; Certain councils may pass by-laws for making roads, bridges, &c., on bounds of such municipalities, 430 subs. (1); And for joint works with other municipalities in same county, 430 subs. (2); Where one of several township councils bound to maintain line fails to perform its share, application may be made to county council to compel joint action, 431; Proceedings where all such township councils fail to perform duties, 432; Duty of county council on petitions under two preceding sections, 433; County council to determine contribution by each township, 434; County council to appoint commissioners to carry out its instructions, 435; In certain cases commissioners may be dispensed with, 435; Townships to pay sums determined upon by county councils, 436; Differences between townships interested in county boundary line road to be settled by wardens and county court judge, 437; Meeting of wardens and judge in such case, 438; Their duties at such meeting, 439.

County councils may pass by-laws:—

For stopping up and sale of certain road allowances, 440 subs. (1); For opening, stopping up, altering, improving, &c., roads and bridges within or between several municipalities, 440 subs. (2); For removal of trees on each side of highway, 440 subs. (3); For aiding local municipalities to make roads and bridges beneficial to whole county, 440 subs. (4); For requiring county roads in local municipalities to be maintained by such municipalities, 440 subs. (5).

Township councils may pass by-laws:—

For aiding an adjoining county to make, &c., roads and bridges between the township and any other municipality, 441 subs. (1); For granting like aid to the county in which such township lies, in respect of roads &c., assumed or to be assumed by county, 441 subs.

subs. (1); For stopping up and sale of certain original road allowances, 441 subs. (2); Conditions precedent to passing last mentioned by law, 441 subs (2); For removal of trees on each side of highway, 441 subs (3); For making foot paths, 441 subs. (4); Sale by county or township corporations of minerals upon or under roads, 442; Conditions precedent to such sale, 442; When township councils may stop up, sell and convey original road allowances in police villages and certain hamlets, 443; Where police village or hamlet situate in two townships in same or different counties, 444; All by-laws hereafter passed opening roads on private property must be registered, 445; By-laws already passed for same purposes may be registered at option of party interested, 445; On investigation of dispute as to roads, head of council may administer oaths, 446.

Division XII.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

On petition of majority of owners on assessment roll councils may take steps for improvement of drainage, 447; Engineer or surveyor to be appointed to make examination, &c., 447; If council of opinion that drainage works desirable they may make by-laws for:—Deepening of streams, &c., and drainage, 447 subs. (1); For borrowing funds required for works, 447 subs. (2); For assessing and levying rate to pay same, 447 subs. (3); Proviso as to payment in advance by any ratepayer, 447 subs. (3); Proviso as to case of landlords and tenants, 447 subs. (3) Proviso as to case of vendors and purchasers, or lease with right of purchase 447 subs. (3); For time and manner of paying assessment, 447, subs. (4); For determining what and in what degree land benefited by works, and arranging rate in proportion to benefit &c., 447 subs. (5); Jurisdiction of Court of Revision, 447 subs (6); Appeal to county court judge, 447 subs. (6); Form of by-laws for drainage works, 448; Before final passing by-law to be published, 449: Also notice as to how and when proceedings to quash to be taken, 449; Copy of by-law and notices to be posted up, 449; If no application to quash made within time limited, by-law to become valid notwithstanding certain defects, 450; When drainage works may be extended beyond limits of municipality, 451; In certain cases lands in adjoining municipality may be charged, although works not carried into such municipality, 452; Engineer or surveyor to determine whether expense to be borne by one or both municipalities, and if by both the proportions, 453; Engineer, &c., to make plans, &c., and charge lands benefited, 454; Municipality in which works begun to notify municipality into which works to be continued, or which will be benefited, 455; Municipality so notified to raise sums necessary for works, 456; But such municipality may appeal from engineer's report, 457; Proceedings, 457; Arbitrators to be appointed, 458; When works completed municipalities to contribute towards maintenance thereof in proportions fixed by engineer or arbitrators, 459; Proceedings in case of neglect of
duty

duty, 459; and liability for damage arising therefrom, 459; Where works do not benefit another municipality the same are to be maintained at the expense of lands benefited, by municipality in which they have been constructed 460; A municipality, company or individual using as an outlet a drain constructed by another municipality may be assessed for construction and maintenance thereof, 461; Disputes as to damage done by drainage works to be referred to arbitration, 462; Private persons may continue under-drains into adjoining lots or across highways, 463.

Councils of cities, towns and villages, may pass by-laws:—

For determining what, and in what degree lands benefited by improvements, and proportions in which assessment for cost to be made (subject to appeal), 464 subs. (1); For assessing and levying rate to pay for improvements, 464 subs. (2); For time and manner of paying assessment, 464 subs. (3); For effecting improvements with funds provided by parties, 464 subs. (4); Conditions precedent to passing any such by-laws, 465; In certain cases petition for construction may be dispensed with, 466; Three preceding sections not to apply to works of ordinary repair and maintenance, 467; Certain works when completed, to be maintained by municipality generally, 467; City, town and village councils may, by by-law, upon petition provide for sweeping, watering, and lighting streets, 468; County council may pass by-laws assessing part of any township or townships specially benefited by works, 469; This power not to apply to works in town or village, 469; Conditions precedent to passing such by-law, 470.

Division XIII.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

Municipal Councils may pass by-laws:—

For taking stock in, or guaranteeing payment of sums borrowed by railways to which 14-15 Vic., c. 51, s. 18, or Con. Stat. Can. as to railways ss. 75-78, apply, 471 subs. (1); For endorsing or guaranteeing debentures of company, and levying rate for discharge of debt so contracted, 471 subs. (2); For issuing debentures for like purpose, 471 subs. (3); For granting bonuses, 471 subs. (4); For prescribing form, &c., of debentures, 471 subs. (5); No aid to be given to railways, or liability incurred therefor without assent of electors, 471 subs. (5); Any municipality, or part thereof may, by by-law, give aid to a railway passing through or near such municipality, 472; Assent of electors required, 472; Mode of submitting by-laws for aid to railways for assent of electors in case of counties, 473, subs. (1); In case of other municipalities, 473 subs. (2) and (3); What such by-laws shall provide, 474; In certain cases head of council to be *ex officio* director, 475; Township councils may authorize construction of branch railways on lands of corporation or on highways, 476; May also authorize construction of tram or other railways on

PART

PART VIII.

POLICE VILLAGES.

Division I.—FORMATION OF.

Existing police villages continued, 477; Formation of new police villages, 478.

Division II.—TRUSTEES, AND ELECTION THEREOF.

Present trustees to continue, 479; Trustees to be three in number, 480; Qualification of trustees, 481; Provision for deficiency in number of qualified persons, 482; Qualification of electors, 483; Place for holding first election, 484; Place for holding subsequent elections, 485; No elections to be held in taverns, 486; Nomination meetings, 487; Who to preside thereat, 488; Where no more candidates than vacancies, 489; If more candidates than offices, poll to be granted, 490; Proceedings if poll granted, 490; If poll demanded, names of candidates to be posted up, 491; A list of voters also to be obtained, 491; Township clerk to furnish alphabetical list of voters, 492; List to be attested by declaration, 492; Poll books to be obtained, 493; How poll books to be kept, 493; Votes to be added up, and the state of the poll to be posted up with certificate annexed, showing successful candidates, 494; Returning officer to have casting vote, 495; Term of office, 496; Poll books to be returned to clerk of township, verified under oath, 497; Where not otherwise provided, same proceedings to be had as at elections of councillors, 498; Powers of returning officers for preserving peace, 499; How vacancies in office of police trustee to be filled, 500; An inspecting trustee to be appointed, 501.

Division III.—DUTIES OF POLICE TRUSTEES.

Oath of office and qualification, 502; When first meeting to be held, 503; Trustees may require township council to levy rate for necessary expenditure, 504; Provision for village in two or more townships, 505; Township treasurer to pay orders of trustees, 506; No orders to be given except for executed contracts, 507; Trustees of police village to be health officers thereof, 508.

Trustees to enforce following regulations, and impose certain penalties for non-performance:—

For the providing of ladders to houses and chimneys, 509 subs. (1); For the providing of fire-buckets, 509, subs. (2); As to the building of ovens and furnaces, 509 subs. (3); As to the use of stove-pipes, 509 subs. (4); As to the use of lights, and smoking in certain buildings, 509 subs. (5); As to use of fires in wooden houses, 509, subs. (6); For the carrying of fire through streets,
etc.

etc., 509 subs. (7); For preventing lighting of fires in streets, etc., 509 subs. (8); For preventing storing of hay, straw or fodder in dwelling houses, 509 subs. (9); For the keeping of ashes and cinders, 509 subs. (10); For the keeping of lime, 509 subs. (11); For preventing erection of furnaces for making wood-charcoal, 509 subs. (12); For the storing of gunpowder, 509 subs. (13); For preventing sale of gunpowder at night, 509 subs. (14); For prevention of certain nuisances, 509 subs. (15); Who to sue for penalties, 510; Before whom proceedings to be had, 510; Conviction. levy and application of penalty, 510; Penalty on trustees for breach of duty, 511; Penalties under ss. 509, & 511, to be sued for within 10 days, 512.

CONFIRMING AND SAVING CLAUSES.

Nothing in this Act to affect 29, 30 Vic., c. 51, s. 423-513; Nothing in this Act to affect Acts for establishing municipal institutions in Algoma, Parry Sound, Muskoka, Nipissing and Thunder Bay, 514; Inconsistent enactments repealed, except special Acts, which confer special powers on certain municipalities, 515.

SCHEDULE OF STATUTES CONSOLIDATED IN MUNICIPAL INSTITUTIONS ACT OF 1873.

29-30 Vic. Cap. 51, as amended by Cap. 52.

MEMO.—References in this table show where sections corresponding to clauses in Acts of 1866 are found, although such clauses may have been amended by subsequent Acts.

Acts of 1866.		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
1		2		47		40				79	
		477		48		41				232	
2		479		49		42		77		233	
3		3		50		Regist	Act.			234	
4		4				43				235	
5		5		51		45				483	
6		7						78		80	
7		Left out.		52		46			1	81	
8		6		53		47		79		82	
9		478		54		48		80		83	
10	1-4	8	1-4	55		47		81		Parliamentary	
"	5	13		56		49				Elections.	
11		10		57		50		82		93	
12		11		58		44				486	
13		12		59		51		83		86	
14		14		60	1-6	25	1-6	84		92	
15		15		60	7	9		85		87	
16		16		61		53		86		484	
17		17		"	1	59				Repealed by	
18		19		"	2	60		87		33 V. c. 26.	
19		18		"	3 & 4	61		88		secs. 1 and 3.	
20		Effete.		62		55		89		Vide secs.	
21		51		63		56		90		85 and 484.	
22		52				53		91		88	
23		53		64		57		92		89	
24		54		"	1	9		93		90	
25		58		65		184		94		94	
26		20		66	1	62		95		95	
27		22		"	2	66				484	
28		23		"	3	67		96		485	
29		24		"	4	68		97		96	
30		26		"	5	69		98		97	
31		27		67		63		99		98	
32		28		68		480					
33		30		69		70		100		487	
34		29				71		"	1	105	
35		31		70		72				488	
36		32				481				106	
37				71		73		"	2	489	
38		33				74		"	3	490	
39		34		72		482				108	
40		35		73		75		"	4	491	
41				74		76				109	
42						77		"	5	492	
43		36		75		483				110	
44		37				78		"	6	493	
45		38		76		488					
46		39									

SCHEDULE OF STATUTES—*continued.*

Acts of 1866.		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
100	7	112		131	10	142		178		211	
		494		"	11	143				502	
		497		"	12	144		179			
"	8	113		"	13	145		180		212	
		494		"	14	148		181		213	
"	9	114		"	15	149		182		214	
		495		"	16	150		183			
101	1	105		"	17	146		184		215	
		488		"	18	147		185		216	
"	2	106		"	19	151		186		218	
		489				152		187		Criminal	
"	3	106		132		131		188		Law	
"	4	108				167		189		Effete.	
"	5	109		133		503		190		222	
"	6	110		134		168		191		223	
"	7	101		135		120		192		226	
		99		136		121		193		227	
		100		137		122		194		229	
		101		138		169		195		230	
"	8	232		139		170		196	1-6	231	
		233		140		174				232	
		234		141		171		"	7	233	
"	9	235		142		176		"	8	234	
"	10	113		143		177				235	
		114		144		183		197		228	
102		112		145		178				240	
103		115		146		179		198		241	
104		116		147		180		199		242	
105		85		148		181		200			
106		71		149		182		201		237	
107		102		150		130		202			
108				151		124		203		238	
109		103		152		186		204		239	
110		106		153		188		205		246	
111		106		154		189		206		247	
		108		155		189		207		255	
112		Left out.		156		190		208		311	
113		110		157		191		209		317	
114		112		158		192		210		318	
115		113				190		211		319	
116		114		159		194		212		309	
117		214				274		213		296	
118		175		160		193		214		Left out.	
119		117		161		195		215		Vide	
120		Left out.		162		196		216		35 V. c. 12.	
121		118				273		217		Effete.	
122		119		163		197		218		304	
123		185				198				Criminal	
124		123		164		199		219		Law.	
125		125		165		Assess	ment	220		224	
126		126				Act.		221		225	
127		127		166		84		222		327	
128		128		167		201		223		326	
129		129		168		202		224	1-5	324	
130		131		169		203		"	6	325	
131	1	132		170		204		225		258	
"	2	134		171		205		226	1-6	248	
"	3	135		172		207		"		Left out.	
"	4	136		173		206		227	7	251	
"	5	137		174		208		228		252	
"	6	133		175		210		229	1	256	
"	7	139		176		219		"	2	257	
"	8	140		177		220		"	3	Effete.	
"	9	141						230		265	

SCHEDULES OF STATUTES—*continued.*

Acts of 1866		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
231		266		281		Repealed by		321		Left out	
232		267		282		32 Vic. 1		322		423	
233		268		283	1-4	379	26-29	323		424	
234		269		284		"	31-40	324		446	
235		253		285		Effete.		325		373	
236		254		286	1-4	383	1-4	326		374	
237		260		287		"	4	327		375	
238		261		288	1-5	"	5-9	328		376	
239		262		289		Effete.		329		416	
240		263		290		397		330		417	
241		264		291		398		331		418	
242		274		292		399		332		390	
243		275		293		400		333	1	372	10
244		276		294		401		"	2	425	1
245		Effete		295		Effete.		"	3	372	2
246	1-4	372	1-4	296	1-4	378	1-4	"	4	425	9
"	5	"	8	"	5-16	384	1-12	"	5	"	3
"	6	"	11	"	17	"	14	"	6	"	4
"	7	"	12	"	18	"	13	"	7	"	8
"	8	"	13	"	19	379	40	"	8	372	5
247		Effete.		"	20-21	384	15-16	"	9-10	425	6
248		382		"	22	"	20	334		426	6-7
249		Repealed by		"	23-25	"	17-19	335		427	
to		32 Vic. c. 32.		"	26	"	21	336		428	
263		Vide		"	27-30	372	9	337		430	
		sec. 389		"	31	384	22-25	338		407	
264	1	sub-sec. 6.		"	32-47	391		339		409	
"	2	379	3	"	48-49	384	26-41	340	1	Effete.	
"	3	"	4	"	50-56	"	44-45	"	2	468	
		"	5	"		"	47-53	"	3	384	42
265		Repealed by		297		Effete.		"	4	"	43
to		32 Vic. c. 32.		298		305		"	5	384	46
267		Vide		299	1-10	385	1-10	34		410	
		sec. 389		"	11	"	11	"	1	414	
		sub-sec. 6.		"	11	372	7	"	2	431	
268		380		300	1-3	"	12-14	"	3	432	
269	1	379	25	"	4	"	17	"	4	433	
"	2	"	6	"	5	386		"	5	434	
"	3	"	7	"	6	387		"	6	435	
"	4	"	8	"	7	388		"	7	436	
"	5	"	9	"	8	385	15	"	8	415	
"	6	"	10	"	9	"	16	"	9	437	
"	7	"	11	301		464		"	10	438	
"	8	"	12	302		465		"	11	439	
"	9	"	13	303		248		"	12	411	
"	10	"	15	"	5	249		"		413	
"	11	"	18	304		299		342		412	
"	12	"	19	305		251		343		419	
"	13	"	21	306		467		44	1	440	1
"	14	"	22	307		Effete.		"	2	372	9
"	15	"	23	308		501		"	3	440	2
"	16	"	24	309		500		"	4	392	1
270		"	24	310		511		"	5	440	3
271		172		311		512		"	6	440	4
272		270		312		510		"	7	469	
273		Effete.		313		508		"	8	470	
274		School Law.		314		509		"	9	440	
275		271		315		404		345	1-4	441	1-3
276		School Law.		316		405		"	5-8	372	15-18
277		272		317		406		346		443	
278		379	1	318		420		347		444	
279		372	7	319		421		348		445	
280		402		320		422		349	1-3	471	1-3

SCHEDULE OF STATUTES—*continued.*

Acts of 1866.		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.		Acts of 1866.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
349	4	147	5					394		333	
350		297		360		Repealed by		395		334	
351		475				32 V. c. 6.		396		339	
352		476		361		s. 10.		397		340	
353	1	279		362		312		398		341	
				363		323		399		342	
	2	280		364		322		400		343	
		281		365		310		401		348	
	3	282		366		371		402		349	
	4	283		367		217		403		364	
	5	284		368		328		404		365	
	6	287				Repealed by		405		350	
	7	286		to		32 V. c. 6.		406		361	
	8	277		370		s. 10.		407		351	
	9	278		371		330		408		352	
	10	285				331		409		367	
	11	289		372		332		410		368	
	12	294		373		307		411		366	
	13	293		374		308				353	
	14	295				329		412		354	
354		381		375		Repealed by		413		355	
				376		32 V. c. 6.		414			
355	1-22	Not Municipal Law.		377		s. 10.		415		369	
	23	315				Eff. te.		416		356	
	24	320		378		Repealed by		417		357	
	25	316		379		32 V. c. 6.		418		358	
	26	396		380		s. 10.		419		359	
	27	403		381		370		420		360	
	28	Criminal Law		to		Repealed by		421		Criminal Law	
		Not Municipal Law.		386		32 V. c. 6.		422		1	
356		Left out.		387		s. 10.		423		513	
357		Left out.		389		321				Vide Interpretation Act,	
358				390		333		424		31 V. c. 1.	
359		314		391		344		to		s. 7.	
		313		392		346		426		33rdly	
				393		347				35thly.	

31 Vic., Cap. 30.

31 Vic. c. 30.		Where in Act of 1873.		31 Vic. c. 30.		Where in Act of 1873.		31 Vic. c. 30.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
2						78				106	
3		20		10		483		18		107	
4		24		11		83		19		110	
5		41				Parliamentary				85	
6		67		12		Elections.		20		Left out.	
7		71				106				106	
8		75		13		490		21		108	
		77				112		22		123	
		232		14		494		23		189	
		233				113				Assessment	
9		234		15				24		Act.	
		235		16		104		25		372	2
		483		17		105		26		172	

SCHEDULE OF STATUTES—*continued.*31 Vic., Cap. 30—*continued.*

31 Vic. c. 30.		Where in Act of 1873.		31 Vic. c. 30.		Where in Act of 1873.		31 Vic. c. 30.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
27		270				464				Repealed by 33 V. c. 26. s. 15.	
28		372	8	35	}	466		44	}		
29		402		36		379	16				
30		379	16	37		442		45			
31	{	Repealed by 32 V.c. 43, s.19.		38		Left out.		46	{		
32		384	8	39		330					
33		}	335		40		308				
			391		41		340				47
34		384	41	42		355			{		
				43		378					

32 Vic., Cap. 6.

32 Vic. c. 6.		Where in Act of 1873.		32 Vic. c. 6.		Where in Act of 1873.		32 Vic. c. 6.		Where in Act of 1873.	
Sec.		Sec.		Sec.		Sec.		Sec.		Sec.	
9 subs. 2		393		12		370		15		333	
11		{ 307 308		13		321					

32 Vic., Cap. 32—*Vide* Sec. 390, Sub-Sec 6 of Act of 1873,
also Sec. 336, 337 of Act of 1873.

32 Vic., Cap. 43.

32 Vic. c. 43.		Where in Act of 1873.		32 Vic. c. 43.		Where in Act of 1873.		32 Vic. c. 43.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
1 to 17	{	Repealed by 35 V. c. 26.		18	{	43		20		429	
						45		21		270	
				19		46		22		335	
						383	3				

33 Vic., Cap. 8, Secs. 2 & 3—*Vide* Sec. 393, 394 of Act
of 1873.

SCHEDULE OF STATUTES—continued.

33 Vic, Cap. 26.

33 Vic. c. 26.		Where in Act of 1873.		33 Vic. c. 26.		Where in Act of 1873.		33 Vic. c. 26.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
1 }		67		8		416		14		Repealed by 35 V. c. 26.	
2 }		85		9		417		15			
3		490		10		418		16		433	
		496		11		441	4	17		434	
4		379	33	12		476				Left out.	
5		384	4	13		280					
6		"	6			281					
7		"	53			292					

33 Vic., Cap. 28, *Vide* Sec. 390, Sub-Sec. (6) of Act of 1873 ;
 34 Vic., Cap. 21, Secs. 1-4—*Vide* Sec. 383, Sub-Sec. 10 of
 Act of 1873.

34 Vic., Cap. 21, Secs. 1-4—*Vide* Sec. 383, Sub-Sec. 10 of Act
 of 1873.

34 Vic., Cap. 30.

34 Vic. c. 30.		Where in Act of 1873.		34 Vic. c. 30.		Where in Act of 1873.		34 Vic. c. 30.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
1		67		7		410		14		403	
2		384	8	8		411		15		275	
3		372	11	9		440	2	16		236	
4		425	1	10		464	1	17		22	
		372	10			465		18		188	
5		409		11		464	2				
6		72	5	12		466					
		471	4	13		413					

34 Vic., Cap. 31, Secs. 3 and 5—*Vide* Sec. 372, Sub-Sec. 19 of
 Act of 1873.

35 Vic., Cap. 26.

35 Vic. c. 26.		Where in Act of 1873.		35 Vic. c. 26.		Where in Act of 1873.		35 Vic. c. 26.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
1		447				282		18		Left out.	
2				11		288		19			
3		449				289		20		Left out.	
4		239		to		290		21			
5		451				292		22		298	
6		452		15		457		23		Left out.	
7		453				458		24			
8		454				459					
9		455		16		460					
10		456		17		461					

SCHEDULE OF STATUTES—*continued.*

35 Vic., Cap. 36.

35 Vic. c. 36.		Where in Act of 1873.		35 Vic. c. 36.		Where in Act of 1873.		35 Vic. c. 36.		Where in Act of 1873.	
Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec	Sec.	Sub-Sec
1		153		6		133		14		244	
2		154		7		158		15		245	
3		155		8		159		16		163	
4		157		9		160		17		164	
5	}	133		10		161		18		165	
		141		11		162		19		166	
		156		13		243					

CAP. XLVIII.

An Act respecting Municipal Institutions in the Province of Ontario.

[Assented to 29th March, 1873.]

IN order to amend and consolidate the Acts respecting Municipal Institutions;

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

*Interpretation.*Interpretation
of words.

1. Unless otherwise declared or indicated by the context, whenever any of the following words occur in this Act, the meanings hereinafter expressed attach to the same, namely:

“Municipal-
ity.”

(1.) “Municipality,”—any locality the inhabitants of which are incorporated or are continued, or become so under this Act;

“Council.”

(2.) “Council,”—the Municipal Council or Provisional Municipal Council, as the case may be;

“County.”

(3.) “County,”—County, Union of Counties or United Counties, or Provisional County, as the case may be;

(4.)

- (4.) "Township,"—Township, Union of Townships or United "Township." Townships, as the case may be ;
- (5.) "Land," "Lands," "Real Estate," "Real Property,"—res- "Land,"
pectively, include lands, tenements and hereditaments, "Lands,"
and all rights thereto and interests therein ; "Real Estate,"
"Real Prop-
erty."
- (6.) "Highway," "Road" or "Bridge,"—a Public Highway "Highway."
Road, or Bridge, respectively ; "Road."
"Bridge."
- (7.) "Electors,"—the persons entitled for the time being to "Electors."
vote at any Municipal Election, or in respect of any By-
law, in the Municipality, Ward, Electoral Division, or
Police Village, as the case may be ;
- (8.) "Reeve" includes the Deputy Reeve or Deputy Reeves "Reeve."
when there is a Deputy Reeve for the Municipality,
except in so far as respects the office of a Justice of the
Peace ;
- (9.) The words "next day" are not to apply to or include "Next day."
Sunday or Statutory Holidays ;
- (10.) "Governor,"—the Lieutenant-Governor or other Ad- "Governor."
ministrator of the Government of Ontario. *Vide* 29-30
V., c. 51, s. 422.

PART I.

OF MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.

TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—*Sec. 2-7.*

2. The inhabitants of every county, city, town, village Existing
township, union of counties, and union of townships incorpor- Municipal
ated at the time this Act takes effect, shall continue to be a Corporations
body corporate, with the municipal boundaries of every such continued.
corporation respectively then established. 29-30 V., c. 51, s. 1.

3. The head and members of the council, and the officers, Heads, officers,
by-laws, contracts, property, assets and liabilities of every by-laws, con-
municipal corporation, when this Act takes effect, shall be tracts, &c.,
deemed the head and members of the council, and the officers, continued.
by-laws, contracts, property, assets and liabilities of such
corporation, as continued under and subject to the provisions of
this Act. 29-30 V., c. 51, s. 3.

Names of
municipal
corporations.

4. The name of every body corporate (not being a provisional corporation) continued, or erected under this Act, shall be *The corporation of the county, city, town, village, township, or united counties, or united townships* (as the case may be) of (naming the same.) 29-30 V., c. 51, s. 4.

Names of
provisional
corporations.

5. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of *The Provisional Corporation of the County of* (naming it.) 29-30 V., c. 51, s. 5.

Inhabitants of
counties, town-
ships, &c., and
of cities, towns,
&c., to be a
body corpo-
rate.

6. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships, erected into an independent township or union of townships, and of every locality erected into a city, town, or incorporated village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships if more than one, remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. 29-30 V., c. 51, s. 8.

Corporate pow-
ers to be exer-
cised by
councils.

7. The powers of every body corporate under this Act shall be exercised by the council thereof. 29-30 V., c. 51, s. 6.

TITLE II.—NEW CORPORATIONS.

DIV. I.—OF VILLAGES.

DIV. II.—OF TOWNS AND CITIES.

DIV. III.—OF TOWNSHIPS.

DIV. IV.—OF COUNTIES.

DIV. V.—PROVISIONAL COUNTY CORPORATIONS.

DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF
NEW CORPORATIONS.

DIVISION I.—OF VILLAGES.

When a Village may be Incorporated. Sec. 8.
Arrangement with respect to Assets and Debts of Townships.

Sec. 9.

Case of Village partly in two Counties provided for.
Sec. 10, 11.

Additions to area. Sec. 12.

Reductions of area. Sec. 13.

When popula-
tion 750,
county council

8. When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of

of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, of whom not fewer than one half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the Returning Officer who is to hold the same; provided always, that:—

Proviso.

(1) No town or village incorporated after the passing of this Act, the population of which does not exceed one thousand souls, shall extend over or occupy within the limits of the incorporation an area of more than five hundred acres of land;

Area of town or village limited.

(2) No town or village already or hereafter incorporated and containing a population exceeding one thousand souls, shall make any further addition to its limits or area, except in the proportion of not more than two hundred acres for each additional thousand souls, subsequent to the first thousand;

Regulations as to enlargement of area.

(3) In the case of all towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of five hundred acres for the first thousand souls, and two hundred acres for each subsequent additional thousand, then in all such cases the said towns or villages shall not be permitted to make any further addition to their limits, until their population shall have reached such a proportion to their present area;

Existing towns or villages area of which exceeds proportionate limit prescribed.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of any town or village may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of such town or village. 29-30 V., c. 51, s. 10, sub. 1-4.

How population and area may be reckoned.

9. In all cases where an incorporated village is separated from the township or townships in which it is situate, the provisions of this Act for the disposition of the property, and payments of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships, and the Councils of such village and township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. 29-30 V., c. 51, s. 60, sub. 7; Sec. 64, sub. 1.

Disposition of property and payment of debts when incorporated village is separated from township.

When the village lies within two or more counties, village to be annexed to one of them by the county councils or Governor.

10. When the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Governor in Council, setting forth the grounds of difference between the councils; and thereupon the Governor shall, by proclamation, annex the village to one of such counties. 29-30 V., c. 51, s. 11.

In case of failure of councils to act, freeholders, &c., may petition Governor.

11. In case the wardens do not, within one month next after the expiration of the six months, memorialize the Governor as aforesaid, then one hundred of the freeholders and householders on the census list may petition the Governor to settle the matter, and thereupon the Governor shall, by proclamation, annex the incorporated village to one of the said counties. 29-30 V., c. 51, s. 12.

Additions to villages by Governor.

12. In case the council of an incorporated village petitions the Governor to add to the boundaries thereof, the Governor may subject to the provisions of subsections one to four of section eight of this Act, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto. 29-30 V., c. 51, s. 13.

Proviso.

Reducing the area of villages.

13. The county council of any county or union of counties in Ontario, may, in their discretion, upon the application by petition of the corporation of any incorporated village, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, by by-law in that behalf, reduce the area of such village by excluding from it lands used wholly for farming purposes; Provided that such by-law shall define, by metes and bounds, the new limits intended for such incorporated village; And provided also, that no incorporated village shall by any such change of boundaries be reduced in population below the number of seven hundred and fifty souls; And provided further, that the municipal privileges and rights of such village shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. 29-30 V., c. 51, s. 10, sub. 5.

Proviso.

Proviso.

Proviso.

DIVISION II.—OF TOWNS AND CITIES.

Towns and Cities, how formed and limits. Sec. 14—16.

Wards, and additions to area. Sec. 17—19.

Towns, how withdrawn from and re-united to jurisdiction of County: Sec. 20, 21.

Census of towns and villages.

14. A census of any town or incorporated village may at any

any time be taken under the authority of a by-law of the council thereof. 29-30 V., c. 51, s. 14.

15. In case it appears by the census return taken under any by-law, or under any statute that a town contains over fifteen thousand inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over two thousand inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions:

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000, into a town.
Conditions.

Firstly—The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper be published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said town or village, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

1st—Notice to be given.

Secondly—The council of the town or village shall cause the census returns to be certified to the Governor in Council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Governor in Council; then, in the case of a village, the Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

2nd—Census returns to be certified, and publication of notice proved.

Village may be made a town by proclamation.

Thirdly—In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new city, or in case of disagreement the same shall be determined by arbitration under this Act; and upon the council proving to the Governor in Council the payment, agreement or arbitration, then, the Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. 29-30 V., c. 51, s. 15.

3rd—Existing debts to be adjusted in case of a town to be made a city.

Town may be made a city by proclamation.

16. The Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Governor may consider it desirable to attach thereto. 29-30 V., c. 51, s. 16.

Limits of such new town or city.

17. The Governor may divide the new town or city into wards, wards,

wards, with appropriate names and boundaries, but no town shall have less than three wards, and no ward in any such town or city less than five hundred inhabitants. 29-30 V., c. 51, s. 17.

New division of wards in cities and towns.

18. In case two-thirds of the members of the council of a city or town do, in council before the fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, or the desirability of an addition being made to the limits of such city or town, the Governor may, by proclamation, divide the city or town, or such part thereof into wards, as may seem expedient, and may add to the city or town any part of the adjacent township or townships, which the Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto. *Vide* 29-30 V., c. 51, s. 19.

Extension of city or town.

Where land attached to town, &c., belonged to another county.

19. In case any tract of land so attached to the town or city belonged to another county, the same shall thenceforward for all purposes cease to belong to such other county, and shall belong to the same county as the rest of the town or city. 29-30 V., c. 51, s. 18.

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

20. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions;

Amount to be paid by town to county for expenses of administration of justice to be settled by agreement or arbitration.

(1) After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years the payments for the debt are to be continued;

Matters to be considered in settling the same.

(2) In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town may be then liable to pay, for the construction of roads or bridges by the county, without the limits of the town; and also what the county may have paid, or be liable to pay, for the construction of roads or bridges within

within the town; and they shall also ascertain and allow to the town the value of its interest in all county property, except roads and bridges within the town;

(3) When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Governor, who shall thereupon issue his proclamation withdrawing the town from the jurisdiction of the council of the county;

Copy of agreement or award to be sent to the Governor.

(4) After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county, or into the county treasury, any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

Effect of such proclamation.

(5) After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice; the use of the gaol, erection and repairs of the registry office or offices, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands;

New agreement or award after five years.

(6) After the withdrawal of a town from the county, all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. 29-30 V., c. 51, s. 26, *as amended by* 31 V., c. 30. ss. 2 & 3.

Property after withdrawal.

21. The council of any town which has withdrawn from a county, or union of counties, may, after the expiration of five years from such withdrawal, pass a by-law to be assented to by the electors in manner provided for by this act in respect of by-laws for creating debts to re-unite with such county or union of counties: Provided that the said by-law shall have no effect unless ratified and confirmed by the council of the county or union of counties from which the said town had previously withdrawn, within six months after the passing of the said by-law, and unless the terms and conditions which the town shall pay, perform, or be subject to, shall have been previously agreed upon or settled in manner following, that is to say—Before the said by-law shall be confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which shall be paid or borne by the county after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the town, on and above

Town may after five years from withdrawal pass by-law for re-union with county.

Provido that by-law shall have no effect until ratified by council of county, &c.,

And before by law ratified, the amounts of the debts of town and county respectively shall be determined.

above all other county rates, and all other matters relating to property, assets, or advantages consequent upon such re-union, and as affecting the county or town respectively, and such other terms or conditions as may appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, then the said matters shall be settled by arbitration, as provided by this Act.

DIVISION III.—OF TOWNSHIPS.

Townships, how formed. Sec. 22.

Junior Township, when it may become a separate Corporation. Sec. 23, 24.

Arrangement of joint assets and debts. Sec. 25.

Adjacent Tracts, annexation of. Sec. 26, 27.

New Townships, union of. Sec. 28-30

New township beyond limits of incorporated county may be attached to a county by proclamation.

22. In case a township be laid out by the Crown in territory forming no part of an incorporated county, the Governor may by proclamation annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and erect the same into an incorporated union of townships with some other township of such county. 34 V., c. 30, s. 17.

Junior township containing 100 freeholders, &c., may be separated from union.

23. When a junior township of an incorporated union of townships has one hundred resident freeholders and householders on the assessment-roll as last finally revised and passed, such township shall, upon the first day of January next after the passing of the proper by-law in that behalf by the County Council, become separated from the union.. *Vide* 29-30 V., c. 51, s. 28.

In what cases junior township containing 50 freeholders, &c., but less than 100 may be separated from union.

24. In case a junior township has at least fifty, but less than one hundred resident freeholders and householders on the last revised assessment-roll, and two-thirds of the resident freeholders and householders of the township petition the council of the county to separate the township from the union to which it belongs, and in case such council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, such council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election under the same; or in case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to

some

some other adjoining municipality, and in case said council consider the interests and convenience of the inhabitants of such township or townships would be promoted thereby, they may, by by-law, separate such township or townships from said union, and attach them to some other adjoining municipality. 31 V., c. 30, s. 4.

25. After the dissolution of a union of townships, the following shall be the disposition of the property of the union : Disposition of property upon dissolution of township unions.

(1.) The real property of the union situate in the junior township shall become the property of the junior township ;

(2.) The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships ;

(3.) The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ; Assets of the corporation.

(4.) The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just ; Arrangement as to debts.

(5.) In case the councils of the townships do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matter shall be settled by arbitration under this Act ; How to be determined, in case of disagreement.

(6.) The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved ; and shall be provided for by the council of the indebted township like other debts. 29-30 V., c. 51, s. 60, sub. 1—6. Amount agreed to be paid shall bear interest.

26. The Governor may, by proclamation, annex to any township, or partly to each of more townships than one, any gore or small tract of land lying adjacent thereto and not forming part of any township, and such gore or tract shall thenceforward for all purposes form part of the township to which it is annexed. 29-30 V., c. 51, s. 30. The Governor may annex gores to adjacent townships.

27. In case a township be laid out by the Crown in an incorporated county or union of counties ; or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such township for municipal purposes, to some adjacent incorporated township or union of townships in the same county, or union of counties. 29-30 V., c. 51, s. 31. New townships, &c., within the limits of incorporated counties, to be united to adjacent townships, and how.

28. In case of there being at any time in an incorporated Townships not incorporated county

or united may
be formed into
unions.

county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships; and in case such adjacent townships have together not less than one hundred resident freeholders and householders within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 29-30 V., c. 51, s. 32.

Seniority of
townships, how
regulated.

29. Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll. 29-30 V., c. 51, s. 34.

Townships in
different
counties.

30. In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. 29-30 V., c. 51, s. 33.

DIVISION IV.—OF COUNTIES.

Counties, how formed. Sec. 31.

Seniority of. Sec. 32.

Venue in Judicial Proceedings. Sec. 33.

New counties,
how formed by
proclamation,
and annexed
or united.

31. The Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships, or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 29-30 V., c. 51, s. 35.

Seniority of
united coun-
ties, how
regulated.

32. In every union of counties, the county in which the county court house and gaol are situate, shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. 29-30 V., c. 51, s. 36.

Laws applic-
ble to union
counties.

33. During the union of counties, all laws applicable to counties (except as to representation in Parliament and Registration

tration of Titles) shall apply to the union as if the same formed Venue. but one county, and in any civil judicial proceeding the venue shall be so laid. *Vide* 29-30 V., c. 51, ss. 37 & 38.

DIVISION V.—OF PROVISIONAL COUNTY CORPORATIONS.

Provisional Corporations, formed by separation of Junior County.—Sec. 34.

Provisional officers.—Sec. 35, 36.

Property may be acquired for Gaol and Court house.—Sec. 37.

Their powers not to interfere with United Corporations.—Sec. 38.

Arrangement of Joint Assets and Debts.—Sec. 39-41.

Officials, when appointed.—Sec. 42.

Separation, when complete.—Sec. 43, 44.

Judicial Proceedings on Separation.—Sec. 45-50.

34. When the census returns, taken under a Statute, or under the authority of a by-law of the council of any united counties, show that the junior county of the union contains seventeen thousand inhabitants or more, then if a majority of the reeves and deputy reeves of such county do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if in the month of February in the following year, a majority of the reeves and deputy reeves transmit to the Governor in Council a petition for the separation, and if the Governor deems the circumstances of the junior county such as to call for a separate establishment of courts and other county institutions, he may, by proclamation setting forth those facts, constitute the reeves and deputy reeves in that county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. 29-30 V., c. 51, s. 39.

Separation of
united counties

Appointment
by proclama-
tion of provis-
ional council
in junior
county.

Meeting
thereof.

County town.

35. The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof. 29-30 V., c. 51, s. 40.

Who to preside

36. Every provisional council shall from time to time appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. 29-30 V., c. 51, ss. 41, 42, & 43.

Appointment
of provisional
warden and
other officers.

Term of office.

37. Every provisional council may acquire the necessary property, Provisional councils may

acquire lands
for gaols and
court houses.

property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. 29-30 V., c. 51, s. 44.

Respective
powers of
provisional
council and
council of
union.

38. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. 29-30 V., c. 51, s. 45.

Agreement
upon dissolu-
tion as to joint
liabilities and
joint assets.

39. After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one county to the other, and the times of payment thereof; and in determining such balance the senior or remaining counties shall assume the debts of the union, and the junior county be charged with such part thereof as may be just, and the value of the real estate, which, upon the separation, becomes the property of the senior or junior county respectively, shall also be taken into account, and any improvement effected by the union which either county gets the exclusive benefit of. 29-30 V., c. 51, s. 46.

Senior county
to assume
debts of union.
Junior county
to be charged
with just pro-
portion.

When provi-
sional Council-
lors shall not
vote.

40. No member of the provisional council shall vote or take any part in the council of the union on any question affecting such agreement, or the negotiation therefor. 29-30 V., c. 51, s. 47.

In case of
disagreement,
disputes to be
determined by
arbitration.

41. In case the councils, within one month after the period mentioned in section thirty-nine, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the county found liable shall pay to the other county the balance or amount agreed or settled to be due by such county, and such amount shall bear interest at six per centum per annum from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation. 29-30 V., c. 51, s. 48; 31 V., c. 30, s. 5; *Vide* also 29-30 V., c. 52, s. 1.

Payment of
amounts found
due.

Terms and
time of
separation.

42. After the sum, if any, to be paid by the junior county to the senior or remaining county or counties has been paid or ascertained by agreement or arbitration, the Governor in Council shall require for the junior county the appointment of a judge, and shall appoint a sheriff, one or more coroners, a clerk of the peace,

Officials to be
appointed.

peace, a clerk of the county court, a registrar, and at least twelve justices of the peace, and shall provide, in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. *Vide* 29-30 V., c. 51, s. 49.

43. After such appointments are made, the Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the first day of January next after the end of three months from the date of the proclamation; and on that day the courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets, belonging to the corporation of the union shall belong to and be the property of the senior or junior county, or union of counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the senior county, or union of counties; and, in the case of choses in action, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the senior county or union of counties. 32 V., c. 43, s. 18.

Final separation of united counties by proclamation.

Property, how divided.

44. When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. 29-30 V., c. 51, s. 58.

Officers and property, &c. continued.

45. The dissolution of a union of counties shall not prevent the sheriff of any such senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or in the case of executions against lands from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. 32 V., c. 43, s. 18.

Execution and service of process in hands of sheriff at time of separation.

46. If upon the dissolution of a union of counties, there is pending an action, or other judicial civil proceeding in which the

Change of venue in accordance with the

tions, &c., after separation.

the venue is laid in a county of the union, the court in which the action, or proceeding is pending, or any judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new county, and all records and papers to be transmitted to the proper officers of such county. 29-30 V., c. 51, s. 52; 32 V., c. 43, s. 18.

If no special order made, proceedings to be carried on in senior county.

Proviso as to criminal proceedings.

47. In case no such change be directed, all such actions, and other judicial civil proceedings shall be carried on and tried in the senior county; but nothing in this Act contained shall be construed to affect the provisions of sections fifty-two, fifty-three, and fifty-five of the Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, so far as the same relate to criminal proceedings. 29-30 V., c. 51, ss. 52, 53 & 55.

Place for holding courts in junior county.

48. All courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. 29-30 V., c. 51, s. 54.

Proceedings in civil cases under bailable process.

49. Any person arrested or held to bail under civil process, before the separation of a junior from a senior county, and liable to be imprisoned, shall be so imprisoned in the gaol of the county in which he was arrested; and all proceedings in any suit or action in which any person was so arrested or held to bail, and all proceedings after judgment founded on the arrest or holding to bail, shall be carried on as if the arrest or holding to bail had taken place in such county as a separate county; and in case the proceedings are to be had in the junior county, all the records and papers relative to the case shall be transmitted to the proper officer of the junior county. 29-30 V., c. 51, s. 56.

Privileges of persons admitted to gaol limits saved on dissolution, &c.

50. In case a debtor or other person be (in manner prescribed by law) admitted to the gaol limits of a union of counties, and the union be afterwards dissolved, or one or more counties be separated from the union, such person or debtor may notwithstanding travel and reside in any portion of the said counties as if no dissolution or separation had taken place, without committing a breach of any bond or the condition thereof, or a forfeiture of any security given for the purpose of obtaining the benefit of such limits; and in case any such person after the dissolution of the union be surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the sheriff of the county in which he was arrested, and be imprisoned in the gaol thereof. 29-30 V., c. 51, s. 57.

DIVISION VI.—OF MATTERS CONSEQUENT UPON THE FORMATION
OF NEW CORPORATIONS.

By-Laws, continuance of existing. Sec. 51, 52.

Debts and Liabilities not affected. Sec. 52-57

Officials, how affected. Sec. 58-61

51. In case any village is incorporated, or village or town (with or without additional area) erected into a town or city, or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. 29-30 V., c. 51, ss. 21 & 59.

By-laws in force prior to formation of new corporations to continue in force until altered by council of such corporation.
Proviso.

52. In case an addition be made to the limits of any municipality, the by-laws of such municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality, to which the same has been added. 29-30 V., c. 51, s. 22.

What by-laws bind where limits of a municipality are extended.

53. In case of the erection of any locality into an incorporated village, or of a village into a town, or of a town into a city, the village, town, or city shall remain subject to the debts and liabilities to which such locality was previously liable, in like manner, as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each county or township which formed the union, shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. 29-30 V., c. 51, ss. 23, 61 & 64.

Liability for debts at the time of dissolution.

54. After an addition has been made to a village, town or city, the village, town or city shall pay to the township or county from which the additional tract has been taken, such part (if any) of the debts of the township or county as may be just; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act. 29-30 V., c. 51, s. 24.

Debts in case of an extension of limits.

55. After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have

Debentures to issue for debts and to bind the old and new municipalities.

have been, but had not been issued, before the dissolution; and such debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. 29-30 V., c. 51, s. 62.

Assessments for year preceding dissolution, who to belong to.

Special rates for debts continued, and to be paid over by treasurer of the junior county.

56. All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former corporation shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. *Vide* 29-30 V., c. 51, s. 63.

If the sum paid over exceeds the just amount, the excess may be recovered.
Form of action.

57. In case the amount so paid over as in the last preceding section provided, or to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered against the senior or remaining municipality as for money paid or as for money had and received, as the case may be. 29-30 V., c. 51, s. 64.

Former council and officers to exercise jurisdiction over new municipalities, &c., until new councils are organized.

58. In case any village is incorporated, or any village or town is erected into a town or city, or any township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous shall, until the council for the corporation be organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors be appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 29-30 V., c. 51, s. 25.

Effect of separation upon public officers and their sureties.

59. The separation of a junior county or township from a union of counties or townships, shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships. 29-30 V., c. 51, s. 61, sub. 1.

60. All such public officers shall, after such separation, be the officers of the senior county or township, or remaining counties or townships, as if they had originally been respectively appointed public officers for such senior county or township or for such remaining counties or townships only. 29-30 V., c. 51, s. 61, sub. 2. Further as to officers, and

61. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships, and all securities which have been given shall, after such separation, be read and construed as if they had been given only for such senior or remaining county or counties, or township or townships. Nothing herein contained shall affect the right of new sureties being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. 29-30 V. c. 51, s. 61, sub. 3 & 4. Their sureties.
Right to new sureties not affected.

PART II.

OF MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.

DIV. II.—IN CITIES.

DIV. III.—IN TOWNS.

DIV. IV.—IN VILLAGES.

DIV. V.—IN TOWNSHIPS.

DIV. VI.—IN PROVISIONAL CORPORATIONS.

DIVISION I.—IN COUNTIES.

Councils.—Sec. 62-65.

62. The council of every county shall consist of the reeves and deputy reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of the reeves or deputy reeves shall be the warden. 29-30 V., c. 51, s. 66, sub-s. 1. Counties.

63. No reeve or deputy reeve shall take his seat in the county council, until he has filed with the clerk of the county County council.

Certificates as to election and number of freeholders and householders to be filed by reeves and deputy reeves

council a certificate of the township, village, or town clerk, under his hand, and the seal of the municipal corporation, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or deputy reeve; nor in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk, or other person having the legal custody of the last revised assessment rolls for the municipality which he represents, that there appear upon such rolls the names of at least five hundred freeholders and householders in the municipality possessing the same property qualification as voters, for the first deputy reeve elected for such municipality, and that no alteration reducing the limits of the municipality, and the number of persons possessing the same property qualification as voters, below five hundred for each additional deputy reeve, since the said rolls were last revised, has taken place. 29-30 V., c. 52, s. 67.

Form of certificate as to Election, &c.

64. The certificate firstly mentioned may be in the following form:—

I, *A. B.*, of _____, Gentleman, Clerk of the Corporation of the Township (town or village, *as the case may be*) of _____, in the County of _____, do hereby, under my hand and the seal of the said Corporation, certify that *C. D.* of _____, Esquire, was duly elected Reeve (or Deputy Reeve *as the case may be*) of the said Township (town or village, *as the case may be*), and has made and subscribed the declarations of office and qualification as such Reeve (or Deputy Reeve, *as the case may be*).

Given under my hand and the seal of the said Corporation of _____, at _____ in the said Township (town or village, *as the case may be*) this _____ day of _____ A.D., 18

{ Seal of the
Municipal
Corporation. }

*A. B.,
Township (Town or Village) Clerk.*

Form of certificate as to number of freeholders and householders.

65. The certificate secondly mentioned may be in the following form:—

I, *A. B.*, of _____, Gentleman, Clerk of the Township (town or village, *as the case may be*) of _____, in the County of _____, do hereby declare and affirm as follows:—

(1.) That I am the person having the legal custody of the last revised assessment roll for the said Township (town or village, *as the case may be*).

(2.) That there appear upon the said roll the names of at least _____ hundred (*five hundred for each Deputy Reeve*, freeholders and householders in the said Township (town or village, *as the case may be*), possessing the same property qualifications as voters.

(3.) That no alteration reducing the limits of the said municipality, and the number of persons possessing the same property qualifications as voters below _____ hundred (*five hundred*

hundred for each Deputy Reeve,) since the said roll was last revised, has taken place.

New

A. B.

DIVISION II.—IN CITIES.

Councils.—Sec. 66.

66. The council of every city shall consist of the mayor, who ^{Cities.} shall be the head thereof, and three aldermen for every ward, to be elected in accordance with the provisions of this Act. 29-30 V., c. 51, s. 66, sub. 2.

DIVISION III.—IN TOWNS.

Councils.—Sec. 67.

67. The council of every town shall consist of the mayor, who ^{Towns.} shall be the head thereof, and of three councillors for every ward when there are less than five wards, and of two councillors for each ward where there are five or more wards, and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of five hundred freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters, then a deputy reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve. 31 V., c. 30, s. 6; 33 V., c. 26, ss. 1 & 2; 34 V., c. 30, s. 1.

DIVISION IV.—IN INCORPORATED VILLAGES.

Councils.—Sec. 68.

68. The council of every incorporated village shall consist of ^{Incorporated villages.} one reeve, who shall be the head thereof, and four councillors, and if the village had the names of five hundred freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters, then of a reeve, deputy reeve, and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor. 29-30 V., c. 52, s. 66, sub. 4.

DIVISION V.—IN TOWNSHIPS.

Councils.—Sec. 69.

Townships.

69. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of five hundred freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters, then the council shall consist of a reeve, deputy reeve, and three councillors, and for every additional five hundred names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy reeve instead of a councillor. 29-30 V., c. 52, s. 66, sub. 5.

DIVISION VI.—IN PROVISIONAL CORPORATIONS.

Councils.—Sec. 70.

What reeves and deputy reeves to be provisional council.

70. The reeves and deputy reeves of the municipalities within a junior county for which a provisional council is established shall *ex-officio* be the members of the provisional council. 29-30 V., c. 51, s. 69.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

DIV. I.—OF QUALIFICATION.

DIV. II.—OF DISQUALIFICATION.

DIV. III.—OF EXEMPTIONS.

DIVISION I.—OF QUALIFICATION.

In each Municipality. Sec. 71.

Nature of Estate to be possessed. Sec. 72.

Where no Assessment Roll provided for. Sec. 73.

Where only one qualified person. Sec. 74.

Qualification of councillors, &c.;

71. The persons qualified to be elected mayors, aldermen, reeves, deputy reeves, and councillors of any municipality, are such persons as reside within such municipality, or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and who are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable

equitable freehold or leasehold, or partly legal and partly equitable, rated in their own names on the last revised assessment roll of such municipality to at least the value following:—

(1) In incorporated villages—Freehold to six hundred dollars, or leasehold to twelve hundred dollars; In incorporated villages;

(2) In towns—Freehold to eight hundred dollars, or leasehold to sixteen hundred dollars; In towns;

(3) In cities—Freehold to one thousand five hundred dollars, or leasehold to three thousand dollars; In cities;

(4) In townships—Freehold to four hundred dollars, or leasehold to eight hundred dollars. In townships;

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold. 29-30 V., c. 51, ss. 70 & 106; 31 V., c. 30, s. 7. Property of different kinds.

72. The term “Leasehold” in the foregoing section shall not include a term less than a tenancy for a year, or from year to year, and the qualification of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. 29-30 V., c. 51, s. 70. “Leasehold” defined. Nature of estate.

73. In case of a new township erected by proclamation for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. 29-30 V., c. 51, s. 71. In New Township not having assessment roll.

74. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 29-30 V., c. 51, s. 72. If only one person be qualified.

DIVISION II.—OF DISQUALIFICATION.

Persons disqualified. Sec. 75.

75. No judge of any court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, or clerk of any municipality, no bailiff of any division court, no county attorney, no registrar, no deputy clerk of the crown, no clerk of the county court, no clerk of the peace, no inn-keeper or saloon-keeper, or shop-keeper, licensed to sell spirituous liquors by retail, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, shall hereafter be qualified to be a member of the council of any municipal corporation; Provided always, that no person shall Persons disqualified from being councillors, &c.

Proviso: as to shareholders in companies having dealings with corporations and lessees for 21 years from corporation.

shall be held to be disqualified from being elected a member of the council of any corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation, or by having a lease of twenty-one years or upwards, of any property from the corporation, but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company. *Vide* 31 V., c. 30, s. 8.

DIVISION III.—OF EXEMPTIONS.

Officials and Persons exempted. Sec. 76.

Exemptions.

76. All persons over sixty years of age; all members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada; all persons in the civil service of the Crown; all judges not disqualified by the last preceding section; all coroners; all persons in priest's orders; clergymen and ministers of the Gospel of every denomination; all members of the Law Society of Ontario, whether barristers or students; all attornies and solicitors in actual practice; all officers of Courts of Justice; all members of the medical profession, whether physicians or surgeons; all professors, masters, teachers and other members of any university, college, or school in Ontario, and all officers and servants thereof; all millers; and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of a municipal council, or to any other municipal office. 29-30 V., c. 51, s. 74.

PART III.

OF MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.

TITLE II.—ELECTIONS.

TITLE I.—ELECTORS

DIVISION I.—QUALIFICATION.

Persons rated on last Assessment Roll. Sec. 77.

Amount of rating requisite. Sec. 78.

Where no Assessment Roll. Sec. 79.

In respect of what locality an elector may vote. Sec. 80, 81.

Joint or several rating on same property provided for. Sec. 82, 83.

Householder, definition of. Sec. 84.

Qualification of electors.

77. The electors of every municipality for which there is an assessment

assessment roll, shall be the freeholders thereof in their own right or right of their wives, whether resident or not, and such of the residents therein for one month next before the election as then are, or whose wives then are householders or tenants in the municipality; all which electors shall be natural-born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and (if not voting in respect of a freehold), resident within the municipality for which the vote is being taken for one month next before the election; and all which electors shall have been severally rated on the last revised assessment roll for real property in the municipality, held in their own right or that of their wives as freeholders, householders or tenants, and have received no reward, nor have any expectation of reward for voting, and are named or purported to be named in the list of electors; such rating shall be absolute and final, and shall not be questioned either by any returning officer, or on any application to set aside any election. And in cities, towns, incorporated villages, and townships that may pass by-laws requiring this to be done, the electors shall also have paid all municipal taxes due by them respectively, on or before the fourteenth day of December next preceding the election. *Vide* 29-30 V., c. 51, s. 75; 31 V., c. 30, s. 9.

78. In cities, towns, townships and incorporated villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the actual value following:

In townships—One hundred dollars.

In incorporated villages—Two hundred dollars.

In towns—Three hundred dollars.

In cities—Four hundred dollars. 31 V., c. 30, s. 10.

79. At the first election for a newly erected township for which there is no separate assessment-roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property; and every person so claiming to vote shall name the property on which he votes, and the returning officer, at the request of any candidate or voter, shall note the property in his poll book opposite the voter's name; and at the first election for a newly erected village the electors shall be those who would be entitled to vote in the township or townships in which the said village is situated, the clerk or clerks respectively having furnished from the last revised assessment roll a list of the names of those so qualified to vote. 29-30 V., c. 51, s. 77.

80. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification, but in the case of mayor of cities, mayor, reeve or deputy-reeve of towns, the elector is limited to one vote. 29-30 V., c. 51, s. 78.

81.

Electoral division in which electors may vote.

81. In townships and incorporated villages divided into electoral divisions or wards, no elector shall vote in more than one electoral division or ward for the same candidate. 29-30 V., c. 51, s. 78, sub. 1.

When owner and occupant both rated.

82. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 29-30 V., c. 51, s. 79.

When joint owners or occupants rated together.

83. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 31 V., c. 30, s. 11.

Householder defined.

84. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 29-30 V., c. 51, s. 166.

TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.

DIV. II.—RETURNING OFFICERS.

DIV. III.—OATHS TO BE TAKEN.

DIV. IV.—PROCEEDINGS THEREAT.

DIV. V.—VACANCIES IN COUNCIL.

DIV. VI.—CONTROVERTED ELECTIONS.

DIV. VII.—CORRUPT PRACTICES, TO PREVENT.

DIVISION I.—TIME AND PLACE OF HOLDING.

Time in the respective Municipalities. Sec. 85.

In new or altered Municipalities. Sec. 86.

Place how fixed. Sec. 87.

In case of separated Townships. Sec. 88, 89.

Election Divisions. Sec. 90, 91.

Election to be held in Municipality. Sec. 92.

Where Elections may not be held. Sec. 93.

Elections to be held annually for members of council of municipalities (except counties).
Term of office.

85. The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as may have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council is organized. 29-30 V., c. 51, s. 105; 31 V., c. 30, s. 20; 33 V., c. 26, s. 3.

86. In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town or of a town into a city; or of an additional tract of land being added to an incorporated village, town or city, or in case of a new division into wards of a town or city; the first election under the proclamation or by-law by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect. 29-30 V., c. 51, s. 83.

First elections where corporations are newly erected or extended.

Times [of elections.

87. The council of every city, town and village municipality (including a village newly erected into a town, and a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or wards or electoral divisions was held. 29-30 V., c. 51, s. 85.

To be fixed by by-law for municipalities.

88. When in any year a junior township of a union has one hundred resident freeholders and householders on the then last revised assessment roll, the council of the county shall, by a by-law, to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. 29-30 V., c. 51, s. 91.

First election in junior townships after separation.

89. In case of the separation of a union of townships, the existing division into wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of councillors, shall be by general vote, until the township or townships are divided into electoral divisions or wards under the provisions of this Act. 29-30 V., c. 51, s. 92.

Existing ward divisions in united townships to cease on dissolution of union.

90. The election in townships and incorporated villages of reeves, deputy reeves and councillors, shall be by general vote, except in townships divided into wards, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. 29-30 V., c. 51, s. 93.

Election of reeves, &c., in townships and incorporated villages to be by general vote.

91. In case a majority of the qualified electors of a township on the last revised assessment roll do petition the council of the township to divide the township into wards, or to abolish or alter any then existing division into wards, the council shall, within one month thereafter, pass a by-law to give effect to such petition; and if such petition is for division into wards, shall divide such township into wards, having regard to the

Upon petition the council may, by by-law, divide township into wards, &c.

number

Election of
deputy-reeves,
&c., in such
case.

number of electors in each ward, being as nearly equal as may be, and the number of wards shall be four in all cases; and where the township is divided into wards, and is entitled to one or more deputy-reeves, the councillors shall, at their first meeting, elect from amongst themselves such deputy-reeve or reeves.

Election
where to be
held.

92. Every election shall be held in the municipality to which the same relates. 29-30 V., c. 51, s. 84.

Elections,
where to be
held.

Not to be held
in taverns, &c.

93. No election of township councillors shall be held within any city, town or incorporated village, nor shall any election for a municipality or any ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 29-30 V., c. 51, s. 82.

DIVISION II.—RETURNING OFFICERS.

When election by divisions, who to be. Sec. 94.

When not, who ex-officio. Sec. 95.

Absence, provision for. Sec. 96.

Authority of. Sec. 97.

Returning
officers for
elections by
wards or elec-
toral divisions.

94. The council of every municipality, in which the election is to be by wards or electoral divisions, shall, from time to time, by by-law, appoint returning officers to hold the next ensuing elections. 29-30 V., c. 51, s. 94.

Returning
officer for elec-
tions not by
wards or elec-
toral divisions.

95. In the case of a municipality, in which the election is not to be by wards or electoral divisions, the clerk shall be the returning officer at all elections after the first. 29-30 V., c. 51, s. 95.

The absence of
the returning
officer provid-
ed for.

96. In case, at the time appointed for holding an election the person appointed to be returning officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no returning officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a returning officer, and such returning officer shall have all the powers, and shall forthwith proceed to hold the election, and perform all the other duties of a returning officer. 29-30 V., c. 51, s. 97.

Returning
officers to be
Conservators
of the Peace
during their powers.

97. The returning officer shall, during the days of the election, or of voting of electors as to a by-law, act as a Conservator of the Peace for the city or county in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind

bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the Returning Officer or Justice of the Peace. *Vide* 29-30 V. c. 51, s. 98.

98. Every Returning Officer or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election or voting of electors as to a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by the Returning Officer or Justice shall, if he refuse to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor. 29-30 V., c. 51, s. 99.

Special constables may be sworn in.

DIVISION III.—OATHS.

In case of freeholders.—Sec. 99.

In case of other voters.—Sec. 100.

Administering.—Sec. 101.

99. The only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years; and is a natural-born or naturalized subject of Her Majesty; that he has not voted before at the election in the township, village or ward (*as the case may be*) in which he is tendering his vote (*and if tendering his vote for mayor, reeve or deputy-reeve*), that he has not voted before or elsewhere in the municipality for the election of mayor, reeve or deputy-reeve (*as the case may be*); that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he is a freeholder in his own right (or right of his wife, *as the case may require*): and in every case, that he is the person named, or purporting to be named in the list of the electors; (*or in case of a new municipality in which there has not been any assessment roll then instead of referring to the list of electors, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.*) *Vide* 29-30 V., c. 51, s. 101, sub. 8.

Oaths, &c., that may be put to person claiming to vote as a freeholder.

In new municipality where no assessment roll.

100. The oaths or affirmations to be required of any person, claiming to vote, otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of twenty-one years, and is a natural-born or naturalized subject of Her Majesty; that he has not voted before at the election in the township, village or ward (*as the case may be*) in which he is tendering his vote, and (*if tendering his vote for mayor, reeve or deputy-*

Oaths, &c., that may be put to person claiming to vote otherwise than as a freeholder.

In new municipality where no assessment roll.

deputy-reeve), that he has not voted before or elsewhere in the municipality for the election of mayor, reeve or deputy-reeve (*as the case may be*); that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he has been resident within the municipality for which the election is held for one month next before the election; and that he is, (*or his wife is*), a householder or tenant within such municipality, and that he is the person named, or purporting to be named, in the list of the electors; (*or in case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of electors, the person offering to vote may be required to state in the oath the property, in respect of which he claims to vote, and that he is a resident of such municipality.*) *Vide* 29-30 V., c. 51, s. 101, sub. 8.

When and how oaths are to be administered.

101. Such oaths or affirmations shall be administered by the returning officer or chairman, at the request of any candidate, or his authorized agent, and no enquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. *Vide* 29-30 V., c. 51, s. 101, sub. 7 & 8.

DIVISION IV.—PROCEEDINGS AT ELECTIONS.

Nomination Meetings. Sec. 102-104.

Presiding Officer, who. Sec. 103-105.

Poll, when and where to take place. Sec. 106-107.

Resignations—Notification as to Candidates. Sec. 108.

Voters' List. Sec. 109.

Poll Book. Sec. 110-112.

Declaration of result. Sec. 113.

Casting vote, when. Sec. 14.

Elections, Interruptions, &c., in. Sec. 115-116.

Incomplete returns. Sec. 117-119.

Warden of County, election of. Sec. 120-122.

Annual meeting for nomination of mayor, reeve, deputy-reeve, etc.

102. A meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities, and for mayor, reeve and deputy-reeves in towns, at the hall of the municipality, on the last Monday in the month of December annually, at ten of the clock in the forenoon, and the deputy-reeve shall be designated as first, second, third, &c., according to the number to be elected. 29-30 V., c. 51, s. 107.

The clerk to preside.

103. The clerk of the municipality shall preside at such meeting, or, in case of his absence, the council shall appoint a person to preside in his place; if the clerk or the person so appointed does not attend, the electors present shall choose a chairman

chairman or person to officiate from among themselves, and such clerk or chairman shall have all the powers of a returning officer. 29-30 V., c. 51, s. 108.

With powers of a returning officer.

104. A meeting of the electors shall take place for the nomination of candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy-reeves, and councillors in townships and incorporated villages, at noon on the last Monday in December annually, at such place therein, and in cities and towns at such place in each ward thereof, as shall from time to time be fixed by by-law. 31 V., c. 30, s. 16.

Annual meeting for nomination of aldermen, councillors, reeves, etc.

105. In cities and towns, and townships divided into wards, the councils thereof respectively shall, by their said by-law, name the returning officer for each ward, who, and in other municipalities the clerk, shall respectively preside at the meeting for the nomination of candidates, of which the clerk, or other returning officer, shall give at least six days' notice; and in case of the absence of such presiding officer, the meeting may choose their chairman. *Vide* 29-30 V., c. 51, s. 100, sub. 1. 31 V., c. 30, s. 17.

Presiding Officer.

106. At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if no other candidate but one for any particular office is proposed, the clerk or other chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates be proposed for any particular office, and if a poll is required by them respectively, or by any elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each ward or other electoral division, at such place or places as shall be fixed by the by-law of the said councils respectively, for the election at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. *Vide* 29-30 V., c. 51, s. 100, sub. 2 & 3. Sec. 101, sub. 3, Ss. 110 & 111. 31 V., c. 30, ss. 13, 18 & 21.

Nomination and proceedings incident thereto.

107 The council shall, by by-law, fix the places for holding the election, and also name the returning officers who shall preside at the respective polling places. 31 V., c. 30, s. 18.

Places for holding election.

108. At the nomination meeting, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default, he is to be taken as nominated for the office in respect of which he was firstly proposed and seconded; the clerk or other chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the municipality, the names of the persons proposed for the respective offices, and the clerk shall provide each returning

Any person proposed may resign, &c; in default to be taken as nominated.

Notices of persons proposed.

returning officer with a certified list of the names of such candidates, specifying the offices for which they are respectively candidates. *Vide* 29-30 V., c. 51, s. 100, sub. 4. Sec. 111. 31 V., c. 30, s. 21.

List of voters. **109.** The clerk of the municipality shall, before the poll is opened deliver to the returning officer for every or any ward or electoral division, a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property lying in that ward or electoral division to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand; and in cities, towns, incorporated villages, and townships which have passed by-laws requiring this to be done, shall exclude from such list such persons as shall have been returned to him by the treasurer, as in default for not having paid their municipal taxes respectively on or before the fourteenth day of December preceding the election. 29-30 V., c. 51, s. 100, sub. 5. Sec. 101, sub. 5.

Persons in arrear for taxes may be excluded from list.

Poll-books. **110.** The clerk of every municipality shall provide the returning officer of every ward or electoral division with a poll-book, and such returning officer shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and the returning officer, or his sworn poll-clerk, shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. 29-30 V., c. 51, s. 100, sub. 6. Sec. 113. *Vide* 31 V., c. 30, s. 19.

How kept.

Municipalities not divided into wards or electoral divisions. **111.** In case of municipalities which are not divided into wards or electoral divisions, the clerk shall be returning officer and shall provide himself with a similar list of the names of electors for the municipality, and a poll-book, and shall perform the like duties with respect of the whole municipality as are imposed upon other returning officers in respect of a ward or electoral division. *New.*

Poll books to be returned to the clerk. **112.** The returning officer shall, on the day after the close of the election, return the poll-book to the clerk of the municipality, with his solemn declaration thereto annexed, that the poll-book has been correctly kept, and contains a true record of the votes given at the polling-place for which he was returning officer. 29-30 V., c. 51, s. 100, sub. 7. Ss. 102 and 114.

Clerk to declare result of the election. **113.** The clerk of the municipality shall add up the number of votes for each candidate for any office; and in case a poll has been taken and the poll books returned for every ward or electoral division, the votes in which should be counted in order to determine the election, shall, at the town hall, or if there be

no town hall, at some other public place, at noon on the day following the return of such poll-books, publicly declare so elected the candidate or candidates having the highest number of votes; and shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. *Vide* 29-30 V., c. 51, s. 101, sub. 9. Sec. 115. 31 V., c. 30, s. 15.

114. In case two or more candidates have an equal number of votes, the clerk of the municipality or other person appointed by by-law to discharge his duties of clerk in his absence or incapacity through illness, and, whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election; and except in such case, no returning officer or clerk of the municipality shall vote at any election held by him. *Vide* 29-30 V., c. 51, s. 100, sub. 9. Sec. 101, sub. 10. Sec. 116.

In certain cases clerk to have a casting vote.

115. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 29-30 V., c. 51, s. 103.

Election not commenced, or interrupted by riot, &c., to be resumed.

116. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his poll-book on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor. 29-30 V., c. 51, s. 104.

If election is prevented for four days, poll-book to be returned, and a new election ordered.

117. If no return has been made for one or more wards or electoral divisions, in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, the clerk shall declare the want of return for such ward or wards, or electoral divisions, and the cause thereof. 29-30 V., c. 51, s. 119.

If no return for one or more wards, clerk to declare fact.

118. When a poll has been duly held in each of such wards, or electoral divisions, and the poll-books returned to the clerk, the clerk shall add up the number of votes therein set down for each candidate for any office in respect whereof the election has not been previously declared, together with the votes contained for such candidate in the poll-books previously returned.

When poll completed, clerk to add up votes and declare result; when and where.

returned for the other wards, and shall at noon on the next day, at the town-hall, declare elected the candidate or candidates having the largest number of votes polled. *Vide* 29-30 V., c. 51, s. 121.

Declaration
and assumption
of office.

119. The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. 29-30 V., c. 51, s. 122.

Election by
county council
of a warden.

120. The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. 29-30 V., c. 51, s. 135.

Who to pre-
side at
election.

121. At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. 29-30 V., c. 51, s. 136.

Who to have
the casting
vote in the
event of equal-
ity of votes.

122. In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence the deputy reeve, of the municipality which has the largest number of names on its last revised assessment roll, as rate-payers, shall have a second and casting vote. 29-30 V., c. 51, s. 137.

DIVISION V.—VACANCIES IN COUNCIL.

How caused. Sec. 123, 124.

How filled. Sec. 125, 127, 128.

Seat held for residue of term. Sec. 126.

Not to prevent organization of Council. Sec. 127.

In certain cases Council to fill. Sec. 129.

Resignation of warden and new election. Sec. 130.

Seats to be-
come vacant
by crime, insol-
vency, ab-
sence, &c.

123. If, after the election of any person as member of a council, he be convicted of felony or infamous crime, or become insolvent within the meaning of the Insolvent Acts, or apply for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, or absent himself from the meetings of the council for three months without being authorized by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. 31 V., c. 30, s. 22.

Any member
may resign
with consent

124. Any mayor or other member of a council may, with the consent of the majority of the members present, to be entered

tered on the minutes of the council, resign his seat in the council. 29-30 V., c. 51, s. 151. of majority of council.

125. In case no return be made for one or more wards or electoral divisions, in consequence of non-election, owing to interruption by riot or other cause, or in case a person elected to a council neglect or refuse to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occur in the council caused by resignation, death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council shall forthwith, by warrant under the signature of such head, clerk or member, if procurable, require the returning officers appointed to hold the last election for the municipality, ward and electoral division respectively, or any other person duly appointed to that office, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 29-30 V., c. 51, s. 125. New elections provided for and mode of conducting same.

126. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. 29-30 V., c. 51, s. 126. Term of office of person thereupon elected.

127. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk in like manner as provided by the one hundred and twenty-fifth section, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 29-30 V., c. 51, s. 127. Warrant for new election. But non-election not to prevent organization of council.

128. The returning officer shall hold the new election at furthest within eight days after receiving the warrant, and shall appoint a time and place for the nomination of candidates, and, in case a poll be demanded, shall at least four days before such polling, post up a public notice thereof under his hand in at least four of the most public places in the municipality, ward or electoral division. 29-30 V., c. 51, s. 128. Time for holding, and notice of new election.

129. In case at any annual or other election, the electors from any cause not provided for by the one hundred and fifteenth or one hundred and sixteenth sections, neglect or decline to elect the members of council for a municipality on the day appointed, or to elect the requisite number of members, the other members of the council, if they equal or exceed the half of the council when complete, or if a half of such members are not elected, then the members for the preceding year, or the majority of such members elected or old council respectively, Mode of appointing requisite number of members of council if election neglected, &c.

Penalty.

respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. *Vide* 29-30 V., c. 51, s. 129.

Resignation of
warden pro-
vided for.

Vacancies,
how filled.

130. The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the clerk shall notify all the members of the council, and shall, if required, by a majority of the members of the county council, call a special meeting to fill such vacancy. 29-30 V., c. 52, s. 150.

DIVISION VI.—CONTROVERTED ELECTIONS.

How validity or right of election determined. Sec. 131-141.

Writ for removal, &c. Sec. 142.

If entire election invalid. Sec. 143.

Disclaimer. Sec. 144-149.

Costs. Sec. 149, 150.

Decision of judge final. Sec. 151.

Judges may settle forms and practice. Sec. 152.

Trial of con-
tested elec-
tions or right
to elect.

131. In case the right of any municipality to a reeve or deputy reeve or reeves, or in case the validity of the election or appointment of mayor, warden or reeve, or deputy reeve, alderman, or of councillor is contested, the same may be tried in term or vacation by a judge of either of the superior courts of common law, or the senior or officiating judge of the county court of the county in which the election or appointment took place; and when the right of a municipality to a reeve or deputy reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment any member of the council or any elector of the ward, or if there be no ward, of the municipality, for which the appointment was made, may be the relator for the purpose. 29-30 V., c. 51, ss. 130 & 132.

Time for limit-
ed, and secur-
ity and proof
required.

132. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such judge, reasonable grounds for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the judge, or before a commissioner for taking affidavits, in the sum of two hundred dollars, with two sureties,

(to

(to be allowed as sufficient by the judge upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested. 29-30 V., c. 51, s. 131, sub. 1.

Writ in nature of *quo warranto*.

133. The Judge of the Superior Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons, to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all parties interested, and such judge shall return the evidence to the Clerk of the Crown of the Court at Toronto, and every party shall be entitled to a copy thereof. *Vide* 35 V., c. 36, ss. 5 & 6.

Evidence to be used on return of writ may be taken *viva voce* by leave of judge, &c.

134. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of, and the alleged election of the relator or other person. 29-30 V., c. 51, s. 131, sub. 2.

When the relator claims to be elected.

135. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. 29-30 V., c. 51, s. 131, sub. 3.

When several elections complained of.

136. Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid, all such writs shall be made returnable before the judge who is to try the first, and such judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. 29-30 V., c. 51, s. 131, sub. 4.

All to be tried by the same judge.

137. The writ shall be issued by the clerk of the process of the said superior courts, or by the deputy clerk of the Crown in the county in which the election took place, and shall be returnable before the judge in chambers of the proper court at Toronto, or before the judge of the county court at a place named in the writ, upon the eighth day after service computed exclusively of the day of service, or upon any later day named in the writ. 29-30 V., c. 51, s. 131, sub. 5.

Writ, who to issue, and return day thereof.

138. The judge before whom the writ is made returnable, or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer a party thereto. 29-30 V., c. 51, s. 131, sub. 6.

Returning officer may be made a party.

139. Every writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the judge upon being satisfied thereof, by affidavit or otherwise, may make an order

Service to be personal, unless excused by judge.

for

for such substitutional service as he thinks fit. 29-30 V., c. 51, s. 131, sub. 7.

The judge may allow certain persons to intervene and defend.

140. The judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings. 29-30 V., c. 51, s. 131, sub. 8.

Judge shall try summarily.

141. The judge shall, in a summary manner upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may enquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any court named by the judge, or by one or more of these means, as he deems expedient; subject however to the provisions of section one hundred and fifty-six. 29-30 V., c. 51, s. 131, sub. 9; *Vide* 35 V., c. 36, s. 5.

Evidence.

Trial.

Judge shall remove person not duly elected, admit person elected, or confirm election, &c.

142. In case the election complained of be adjudged invalid, the judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed, and in case the judge determines that any other person was duly elected, the judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the judge determines that no other person was duly elected instead of the person removed, the judge shall by the writ, cause a new election to be held. 29-30 V., c. 51, s. 131, sub. 10.

May cause new election.

If all the members ousted, &c., writ for new election to go to the sheriff.

143. In case the election of all the members of a council be adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. 29-30 V., c. 51, s. 131, sub. 11.

Defendant may disclaim, except in certain cases.

144. Any person whose election is complained of may, unless such election be complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit post paid, through the post office, directed "To the Clerk of the Judge's Chambers, at Osgoode Hall, Toronto," or to, "The Judge of the County Court, of the County of _____" (*as the case may be*), or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him, to the effect following:

Mode of proceeding.

Form.

I, A. B., upon whom a writ of summons, in the nature of a
Quo

Quo Warranto, has been served for the purpose of contesting my right to the office of Township Councillor (*or as the case may be*) for the township of _____, in the County of _____ (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same.

Dated _____ day of _____ (Signed) *A. B.*

29-30 V., c. 51, s. 131, sub. 12.

145. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof, with the word "Disclaimer," and be registered at the post office where mailed. 29-30 V., c. 51, s. 131, sub. 13.

Posting and
registry of
disclaimer.

146. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:—

Person elected
may disclaim
at any time
before his
election is
complained o

"I, *A.B.*, do hereby disclaim all right to the office of Township Councillor (*or as the case may be*) for the Township of _____ (*or as the case may be*), and all defence of any "right I have to the same." 29-30 V., c. 51, s. 131, sub. 17

Form.

147. Such disclaimer shall relieve the party making it from all liability to costs, and when a disclaimer has been made in accordance with either of the preceding sections it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the councillor, or other officer as the case may be. *Vide* 29-30 V., c. 51, s. 131, sub. 17.

Disclaimer to
operate as
resignation.
Who to be
deemed
elected.

148. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. *Vide* 29-30 V., c. 51, s. 131, sub. 14.

Duplicate dis-
claimer to be
delivered to
clerk.

149. No costs shall be awarded against any person duly disclaiming, unless the judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the judge; 29-30 V., c. 51, s. 131, sub. 15.

Costs of person
disclaiming.

150. In all cases, not otherwise provided for, costs shall be in the discretion of the judge. 29-30 V., c. 51, s. 131, sub. 16.

Costs general-
ly.

151. The decision of the judge shall be final, and he shall, immediately after his judgment, return the writ and judgment with all things had before him touching the same into the court from which the writ issued, there to remain of record as a judgment of the said court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ

Judge to
return his
judgment to
the court in
term; it shall
be final.

Mode of
enforcing
obedience.

of peremptory *Mandamus*, and by writs of execution for the costs awarded. 29-30 V., c. 51, s. 131, sub. 18.

The judges to
make rules,
&c.

152. The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in term time, settle the forms of the writs of summons, *Certiorari*, *Mandamus* and execution, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ or order of the court or judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. 29-30 V., c. 51, s. 131, sub. 19.

DIVISION VII.—CORRUPT PRACTICES TO PREVENT.

Bribery and undue influence defined. Sec. 153, 154.

Certain payments lawful. Sec. 155.

Evidence to be viva voce. Sec. 156.

Effect of conviction. Sec. 157-159.

How penalties recoverable. Sec. 160.

Report and record of convictions. Sec. 161, 162.

Witnesses, how procured, and self-crimination no excuse.

Sec. 163, 164.

Proceedings, when to be taken. Sec. 165.

Publicity to law against corrupt practices. Sec. 166.

Certain
persons to be
deemed guilty
of bribery.

Giving money
to voters, &c.

Procuring
office, &c., for
voters.

153. The following persons shall be deemed guilty of bribery, and shall be punished accordingly:—

(1.) Every person who shall directly or indirectly, by himself, or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration, or shall give or procure, or agree to give or procure, or offer or promise, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law;

Or for persons
influencing
voters.

(2.) Every person who shall directly or indirectly, by himself or by any other person in his behalf, make any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council, or to procure the passing of any such by-law as aforesaid,

or

or the vote of any voter at any municipal election, or for any such by-law ;

(3.) Every person who shall by reason of any such gift, loan, Corruptly
offer, promise, procurement or agreement, procure or engage, i
fluencing
voters. promise or endeavour to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law ;

(4.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law ; Advancing, &c.,
money for
bribery, &c.

(5.) Every voter who shall, before or during any municipal election, or the voting of any such by-law, directly or indirectly, by himself or by any other person in his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law ; Voter receiv-
ing money, &c.,
for vote, or
agreeing for
money, &c.,
to vote, &c.

(6.) Every person who shall, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted, or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election, or upon any such by-law ; Receiving
money, &c.,
after the
election for
voting, or
inducing, &c.,
to vote.

(7.) Every person who shall hire any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who shall receive pay for the use of any horses, teams, carriages, or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid. 35 V., c. 36, s. 1. Hiring teams,
&c.

154. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict, or threaten the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall in any way prevent or otherwise interfere with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. 35 V., c. 36, s. 2. Persons using
violence or
intimidation
to be guilty of
undue
influence.

155. The actual personal expenses of any candidate, his ex- Expenses of
candidates.
penses

penses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 35 V., c. 36, s. 3

Evidence
on application
in nature of
quo warranto.

156. Where, in an application in the nature of a *quo warranto*, any question is raised as to whether the candidate or any other voter has been guilty of any violation of sections one hundred and fifty-three or one hundred and fifty-four of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the judge of any county court, upon a reference to him by the judge of the superior court for that purpose, or upon an appointment granted by him in cases pending in such county court. 35 V., c. 36, s. 5.

Penalty on
candidates
guilty of
bribery, &c.

157. Any candidate elected at any municipal election, who shall be found guilty by the judge, upon any trial upon a writ of *quo warranto*, of any act of bribery, or with using undue influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any municipal election for two years thereafter. 35 V., c. 36, s. 4.

Vote of per-
sons found
guilty of
bribery, &c.,
to be void.

158. The vote of every person found guilty, upon any trial or enquiry as to the validity of the election or by-law of a violation of either of the one hundred and fifty-third or one hundred and fifty-fourth sections of this Act, shall be void. 35 V., c. 36, s. 7.

Additional
penalties.

159. Any person who shall be adjudged guilty of any of the offences within the meaning of sections one hundred and fifty-three or one hundred and fifty-four of this Act, shall incur a penalty of twenty dollars, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. 35 V., c. 36, s. 8.

Recovery of
penalties.

160. The penalties imposed by section one hundred and fifty-nine of this Act shall be recoverable with full costs of suit, by any person who will sue for the same by action of debt in the division court having jurisdiction where the offence was committed; and any person against whom judgment shall be rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay shall be fully paid and satisfied. 35 V., c. 36, s. 9.

Judge to make
return.

161. It shall be the duty of the judge who finds any candidate guilty of a contravention of sections one hundred and fifty-three or one hundred and fifty-four of this Act, or who condemns any person to pay any sum in the division court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. 35 V., c. 36, s. 10.

162. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who shall have been adjudged guilty of any offence within the meaning of sections one hundred and fifty-three or one hundred and fifty-four of this Act, and of which he shall have been notified by the judge who tried the case. 35 V., c. 36, s. 11.

Clerk to keep book showing names of persons guilty of offences, &c.

163. Any witness shall be bound to attend before the judge of the county court upon being served with the order of such county court judge directing his attendance and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of *subpœna* so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such *subpœna*. 35 V., c. 36, s. 16.

Attendance of witnesses.

164. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act against such person, if the judge shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the judge. 35 V., c. 36, s. 17.

Witnesses not excused from answering on grounds of self crimination or privilege.

Proviso.

165. All proceedings other than an application in the nature of a *quo warranto* against any person for any violation of sections one hundred and fifty-three or one hundred and fifty-four of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid. 35 V., c. 36, s. 18.

Limitation of actions.

166. The clerk of every municipality shall, prior to any election, or voting on any by-law, furnish each returning officer with at least two copies of the sections of this Act, numbered from one hundred and fifty-three to one hundred and sixty-five inclusive, and shall also post at least six copies thereof in conspicuous places in each polling division in the municipality. *Vide* 35 V., c. 36, s. 19.

Copies of Act to be mailed and posted up prior to election.

PART IV.

OF MEETINGS OF MUNICIPAL COUNCILS.

DIV. I.—WHEN AND WHERE HELD.

DIV. II.—CONDUCT OF BUSINESS.

DIVISION I.—WHEN AND WHERE HELD.

First and subsequent meetings. Sec. 167, 171.*Payment of members for attendance.* Sec. 172, 173.First meetings
of councils.

167. The members of every municipal council (except county councils), shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. *Vide* 29-30 V., c. 51, s. 133.

Place of first
meeting.

168. The members of every county council shall hold their first meeting at the county hall, if there is one, or otherwise at the county court-house. 29-30 V., c. 51, s. 134.

Place of subse-
quent meeting
of county
council, etc.

169. The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning to be entered on the minutes, or by by-law, appoints. 29-30 V., c. 51, s. 138.

Place of meet-
ing may be in
cities, etc.

170. The council of any county or township in which any city, town or incorporated village lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within such city, town or incorporated village, and may purchase and hold such real property therein as may be convenient for such purposes. 29-30 V., c. 51, s. 139.

Special meet-
ing may be
either open or
closed.

171. In case there may be no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council expressed by resolution in writing, the public interest requires. 29-30 V., c. 51, s. 141.

Remuneration
to councillors,
and commit-

172. The council of every township and county may pass by-laws for paying the members of the council for their attendance

ance

ance in council, or any member while attending on committee of the council, at a rate not exceeding two dollars *per diem*, and five cents per mile necessarily travelled (to and from) for such attendance. *Vide* 29-30 V., c. 51, s. 271. 31 V., c. 30, s. 26.

tee-men
limited.

173. The mayor or other head of any city, town or incorporated village may be paid such annual sum or other remuneration as the council of the municipality may determine.

Remuneration
of Mayor, etc.

DIVISION II.—CONDUCT OF BUSINESS.

Meetings to be open to Public. Sec. 174.

Quorum, how many. Sec. 176, 177.

Who to preside. Sec. 178-181.

Presiding Officer may vote. Sec. 182.

Power to adjourn. Sec. 183.

174. Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. *Vide* 29-30 V., c. 51, s. 140.

Ordinary meet-
ings to be open.

175. No business shall be proceeded with at the first meeting of the council until the declarations of office and qualification have been administered to all the members who present, themselves to take the same. *Vide* 29-30 V., c. 51, sec. 118.

No business
before declara-
tions of office,
etc.

176. A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. 29-30 V., c. 51, s. 142.

Quorum.

177. When a council consists of only five members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. 29-30 V., c. 51, s. 143.

In councils of
five, three
must concur.

178. The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council. 29-30 V., c. 51, s. 145.

The heads
preside in
council.

179. In case of the death or absence of the head of a town council, the reeve, and in case of the absence or death of both of them, the deputy reeve, and in case of the death or absence of the head of a village or township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than

When reeve or
deputy reeve
to preside.

than one deputy reeve, the council shall determine which of them shall preside at their meeting. 29-30 V., c. 51, s. 146.

Absence of
head, etc., pro-
vided for.

180. In the absence of the head of the council, and in the case of a town, village or township, in the absence also of the reeve, if there be one, and also of the deputy reeve or deputy reeves, if there be one or more, by leave of the council, or from illness, the council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. 29-30 V., c. 51, s. 147.

Casual absence
provided for.

181. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 29-30 V., c. 51, s. 148.

Head to vote.

182. The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 29-30 V., c. 51, s. 149.

Question
deemed
negatived in
case of equal-
ity of votes.

Adjournment.

183. Every council may adjourn its meetings from time to time. 29-30 V., c. 51, s. 144.

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

DIV. I.—THE HEADS.

DIV. II.—THE CLERK.

DIV. III.—THE TREASURER.

DIV. IV.—ASSESSORS AND COLLECTORS.

DIV. V.—AUDITORS AND AUDIT.

DIV. VI.—VALUATORS.

DIV. VII.—DUTIES OF, RESPECTING OATHS AND DECLARATIONS.

DIV. VIII.—SALARIES AND TENURE OF OFFICE.

DIVISION I.—THE HEADS.

Who to be head
of council.

184. The head of every county and provisional corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and incorporated village the reeve thereof. 29-30 V., c. 51, s. 65.

185. The head of the council is the chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council, all such information, and recommend such measures within the powers of the council, as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. *Vide* 29-30 V., c. 51, s. 123.

Duties of head of council.

DIVISION II.—THE CLERK.

Appointment and Duties of. Sec. 186, 187.

Records and Papers may be inspected. Sec. 188.

Return of Statistics to Government. Sec. 189-193.

On default, Moneys retained. Sec. 194.

186. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all which he shall so keep in his office, or in the place appointed by by-law of the council. 29-30 V., c. 51, s. 152.

The clerk, and his duties.

187. The council may by resolution provide that, in case the clerk is absent, or incapable through illness, to perform his duties of clerk, that some other person to be named in such resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the clerk. *New.*

Provision for absence, etc., of clerk.

188. Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of, or under the control of the clerk, at all seasonable times; and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 29-30 V., c. 51, s. 153. 34 V., c. 30, s. 18.

Minutes, &c., to be open to inspection.

Copies to be furnished and charges therefor, &c.

Clerk to transmit a yearly return of rate-payers to the Provincial Treasurer.

Oath of verification.

189. The clerk of every city, town, incorporated village and township shall, on or before the first day in December in each year, under a penalty of twenty dollars, to be paid to the Treasurer of Ontario, in case of default, transmit to the Treasurer of Ontario a true return of the number of resident rate-payers appearing on the revised assessment roll of his municipality for the year, and shall accompany such return with an affidavit made before a justice of the peace verifying the same, in the following form:—

I, *A.B.*, clerk of the municipality of the city, (town, township or village, *as the case may be*) make oath and say, that the above (or the within written, or the annexed return, *as the case may be*,) contains a true statement of the number of resident rate-payers appearing on the assessment roll of the said city, (town, township or village,) for the year one thousand eight hundred and

(Signed) *A. B.*

Sworn before me, &c. 29-30 V., c. 51, s. 154.

To make a yearly return to the county clerk.

190. The clerk of every township, village and town shall, in each year, within one week after the first day in March, under a penalty of twenty dollars in case of default, make a return to the clerk of the county in which the municipality is situate, of the following particulars respecting his municipality for the year then last past, namely:

What such return shall show.

Hence of columns in assessment rolls to be value according to the form of the assessment rolls required by law.

1. Number of persons assessed.
2. Number of acres assessed.
3. Total actual value of real property.
4. Total of taxable incomes.
5. Total value of personal property.
6. Total amount of assessed value of real and personal property.
7. Total amount of taxes imposed by by-laws of the municipality.
8. Total amount of taxes imposed by by-laws of the county council.
9. Total amount of taxes imposed by by-laws of any provincial county council.
10. Total amount of Lunatic Asylum or other provincial tax.
11. Total amount of taxes as aforesaid.
12. Total amount of income collected or to be collected from assessed taxes for the use of the municipality.
13. Total amount of income from licenses.
14. Total amount of income from public works.
15. Total amount of income from shares in incorporated companies.
16. Total amount of income from all other sources.
17. Total amount of income from all sources.
18. Total expenditure on account of roads and bridges.
19. Total expenditure on account of other public works and property.

20. Total expenditure on account of stock held in any incorporated company.
21. Total expenditure on account of schools and education, exclusive of school trustees' rates.
22. Total expenditure on account of the support of the poor, or charitable purposes.
23. Total expenditure on account of debentures and interest thereon.
24. Total gross expenditure on account of administration of justice in all its branches.
25. Amount received from Government on account of administration of justice.
26. Total net expenditure on account of administration of justice.
27. Total expenditure on account of salaries, and the expenses of municipal government,
28. Total number of sheep worried by dogs, and the amount paid therefor by the municipality.
29. Total expenditure on all other accounts.
30. Total expenditure of all kinds.
31. Total amount of liabilities secured by debentures.
32. Total amount of liabilities unsecured.
33. Total liabilities of all kinds.
34. Total value of real property belonging to municipality.
35. Total value of stock in incorporated companies owned by municipality.
36. Total amount of debts due to municipality.
37. Total amount of arrears of taxes.
38. Balance in hands of treasurer.
39. All other property owned by municipality.
40. Total assets. 29-30 V., c. 51, s. 156.

191. The clerk of every county shall, before the first day of April in each year, prepare and transmit to the Provincial Secretary a statement of the aforesaid particulars respecting all the municipalities within his county, entering each municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole county, and shall also make at the same time a return of the same particulars respecting his county, as a separate municipality. 29-30 V., c. 51, s. 157.

County Clerk to make a return to the Provincial Secretary.

192. The clerk of every city and town separated from a county shall, before the first day of April in each year, make a return to the Provincial Secretary of the same particulars respecting his city or town. 29-30 V., c. 51, s. 158.

And also clerks of cities.

193. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before the Legislative Assembly a copy of all returns hereinbefore required to be made. 29-30 V., c. 51, s. 160.

Provincial Secretary to lay & return before the Legislative Assembly.

Moneys to be retained if returns not made.

194. The treasurer of the county shall retain in his hands any moneys payable to any municipality, if it is certified to him by the clerk of the county that the clerk of such municipality has not made the return hereinbefore required; and the Treasurer of Ontario shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Provincial Secretary that the clerk of such municipality has not made the returns hereinbefore required. 29-30 V., c. 51, s. 159.

DIVISION III. THE TREASURER.

His appointment, duties and remuneration. Sec. 195-197.
Successor may draw moneys. Sec. 198.

Treasurer to be appointed.

To give security.

Annual enquiry as to sufficiency of.

To receive and take care of and disburse moneys, &c.

His liability limited.

Half-yearly statement of assets.

Annual list of persons in default for taxes.

Provision on dismissal from office.

195. Every municipal council shall appoint a treasurer, who may be paid either by salary or a percentage, and the present chamberlains of cities shall be hereafter styled treasurers; and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council in each and every year to enquire into the sufficiency of the security given by such treasurer, and report thereon. 29-30 V., c. 51, s. 161.

196. Every treasurer shall receive and safely keep all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but no member of the council shall receive any money from such treasurer for any work performed or to be performed; and such treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless when another disposition is expressly made of such moneys by statute. 29-30 V., c. 51, s. 162.

197. Every treasurer shall also prepare and submit to the council half-yearly, a correct statement of the moneys at the credit of the corporation whose officer he is; and in cities, towns, incorporated villages, and townships which have passed by-laws requiring this to be done, the treasurer shall, on or before the twentieth day of December in each year, prepare and transmit to the clerk of the municipality a list of such persons who shall not have paid their municipal taxes on or before the fourteenth day of said month of December. 29-30 V., c. 51, s. 163.

198. In case any treasurer is dismissed from office or absconds,

seconds, it shall be lawful for his successor to draw any moneys belonging to such municipality. 29-30 V., c. 51, s. 163.

DIVISION IV.—ASSESSORS AND COLLECTORS.

Certain Councils to appoint. Sec. 199, 200.

Township Collectors to act for Provisional Corporations. Sec. 201, 202.

199. The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council; but the same person may, in a city, town or township, be appointed assessor or collector for more than one ward or electoral division; and in municipalities which have passed by-laws requiring taxes to be paid on or before the fourteenth day of December, it shall be the duty of the collectors, on the fifteenth day of December in each year, upon oath to return to the treasurer the names of all persons who have not paid their municipal taxes on or before the fourteenth day of the said month of December. 29-30 V., c. 51, s. 164.

Assessors and collectors, appointments and qualification of.

200. In cities, the council, instead of appointing assessors under the foregoing section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valuers as may be necessary, and such commissioner, assessors and valuers shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors appointed under the last preceding section; and the council shall also have power by by-law to determine the number of collectors to be appointed and prescribe their duties, and may by by-law require the payment of taxes to be made into the office of the treasurer by a day to be named, and in default may in said by-law impose an additional percentage charge on every unpaid tax or assessment, which shall be added to such unpaid tax or assessment, and collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment; and any commissioner, assessor or collector to be appointed by any city need not be appointed annually, but shall hold office at the pleasure of the council, and any city availing itself of this provision for the current year may extend the time for the return of the assessment rolls till the fifteenth day of August, and for closing the Court of Revision till the fifteenth day of September next, and for final return by the judge of the county court till the first day of

In cities, assessment commissioner may be appointed instead of such assessors, etc.

On default of payment of taxes additional percentage may be imposed.

Tenure of office of commissioner, assessors, etc.

Extension of time for return of assessment rolls, etc.

October next; and all notices heretofore given to the city clerk in matters relative to assessment shall be given to the assessment commissioner.

Collector of
provisional
council.

201. The collectors of the several townships in a junior county of a union of counties shall *ex officio* be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. 29-30 V., c. 51, s. 167.

Payments.

Moneys, how
to be disposed
of.

202. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer retaining the expenses of collection. 29-30 V., c. 51, s. 168.

DIVISION V.—AUDITORS AND AUDIT.

Appointment and duties. Sec. 203, 204.

Abstract of receipts and expenditures. Sec. 205.

Publication of audit. Sec. 206.

Council to finally audit. Sec. 207.

County council to regulate and audit county moneys. Sec. 208, 209.

Auditors.

203. Every council shall, at the first meeting thereof, in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. 29-30 V., c. 51, s. 169.

Disqualifica-
tion for office
of.

Duties of.

204. The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment. 29-30 V., c. 51, s. 170.

To prepare
abstract and
detailed state-
ment of re-
ceipts and ex-
penditures, &c

205. The auditors shall prepare an abstract of the receipts, expenditures, assets and liabilities of the corporation, and also a detailed statement of the said particulars in such form as the council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office

office of the clerk of the council within one month after their appointment, and thereafter any inhabitant or ratepayer of the municipality may inspect one of such duplicate reports, at all seasonable hours, and may, by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. *Vide* 29-30 V., c. 51, s. 171.

206. The clerk shall publish the auditor's abstract and report (if any), and shall also publish the detailed statement in such form as the council directs. 29-30 V., c. 51, s. 173. Clerks to publish abstracts and statements.

207. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. 29-30 V., c. 51, s. 172. The council to audit finally, &c.

208. Every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. 29-30 V., c. 51, s. 174. Audit of moneys to be paid by treasurer.

209. The council may also appoint in cities and towns an auditor, who shall, daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation, in conformity with any regulation or by-law of the council; and in other municipalities the auditors shall also, monthly or quarterly, as directed by by-law, examine into and audit the accounts of the corporation. *New.* Audit of accounts in cities. In other municipalities.

DIVISION VI.—VALUATORS.

Appointment of. Sec. 210.

210. The council of every county may appoint two or more valuers, for the purpose of valuing the real property within the county, whose duty it shall be to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the county council; but such valuers shall not exceed the powers possessed by assessors; and the valuation so made shall be made the basis of equalization of the real property by the county council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. 29-30 V., c. 51, s. 175. County council may appoint valuers, their duties, &c. Equalization of real property.

DIVISION VII.—DUTIES OF RESPECTING OATHS AND DECLARATIONS.

Declarations of office and qualification. Sec. 211–213.

Before whom made. Sec. 214.

Power to administer other oaths and declarations. Sec. 215.

Record and deposit of. Sec. 216.

Oaths respecting matters before council. Sec. 217.

Penalty for refusing office, or not making or refusing to administer declarations. Sec. 218.

Declaration of
office by cer-
tain officers.

211. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent, shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following :

Declaration of
Qualification.

Form of.

I, *A. B.*, do solemnly declare that I am a natural-born (or naturalized) subject of Her Majesty ; and have and had to my own use and benefit in my own right (or have and had in right of my wife, *as the case may be*), as proprietor (or tenant, *as the case may be*), at the time of my election to the office of hereinafter referred to (or appointment, *as the case may require*) such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*) and that such estate is (*the nature of the estate to be specified as an equitable estate of leasehold or otherwise as the case may require, and if land the same to be designated by its local description, rents - or otherwise*), and that such estate at the time of my election, (or appointment, *as the case may require*), was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same. 29-30 V., c. 51, s. 178.

Declaration of
office by cer-
tain officers.

212. Every returning officer and returning officer's clerk, every member of a municipal council, every mayor, and every clerk, assessor, collector, constable and other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :

Form of decla-
ration of office.

I, *A. B.*, do solemnly promise and declare that I will truly faithfully, and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been elected (or appointed) in this township (*or as the case may be*) and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation. 29-30 V., c. 51, ss. 179 & 180.

213. The solemn declaration to be made by every Auditor shall be as follows : Auditor's declaration.

I, A. B., having been appointed to the office of Auditor for the municipal corporation of _____, do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability ; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (*except that of Auditor, if re-appointed*) with, by or on behalf of such municipal corporation, during the year preceding my appointment, and that I have not any such contract or employment, except that of Auditor, for the present year. 29-30 V., c. 51, s. 181. Form of.

214. The head and other members of the council, and the subordinate officers of every municipality, shall make the declaration of office and qualification before some court, judge, police magistrate or other justice of the peace having jurisdiction in the municipality for which such head members or officers have been elected or appointed, or before the clerk of the municipality ; and the court, judge or other persons before whom such declarations are made, shall give the necessary certificate of the same, having been duly made and subscribed. 29-30 V., c. 51, ss. 182 & 183 ; c. 52, s. 117. Before whom declaration to be made. Certificate of declaration.

215. The head of any council, any alderman, reeve or deputy reeve, any justice of the peace, and the clerk of a municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation, or declaration. 29-30 V., c. 51, s. 184. Certain officers may administer certain oaths, &c., within municipality.

216. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 29-30 V., c. 51, s. 185. Oath or declaration to be subscribed and kept.

217. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. 29-30 V., c. 51, s. 366. Heads of council may administer certain oaths, &c.

218. Every qualified person duly elected or appointed to be a mayor, alderman, reeve or deputy reeve, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who upon reasonable demand refuses to administer Penalty for refusing to accept office or administer declaration, &c.

How enforced administer the same, shall, on summary conviction thereof before two or more justices of the peace, forfeit not more than eighty dollars, nor less than eight dollars, at the discretion of such justices, to the use of the municipality, together with the cost of prosecution. 29-30 V., c. 51, s. 186.

DIVISION VIII.—SALARIES AND TENURE OF OFFICE.

If not otherwise settled, Council to fix. Sec. 219.

Tenure till removal. Sec. 220.

Gratuities to. Sec. 221.

Salaries of
officers.

219. In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council; and no municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender, or to applicants at the lowest remuneration. 29-30 V., c. 51, s. 176.

Tenure of
office.

Duties.

220. All officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. 29-30 V., c. 51, s. 177.

A gratuity
may be given
in certain
cases.

221. Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least twenty years, and who has, while in such service, become incapable through old age of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity, upon his removal or resignation.
New.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

II.—RESPECTING BY-LAWS.

III.—RESPECTING FINANCE.

IV.—ARBITRATIONS.

V.—DEBENTURES AND OTHER INSTRUMENTS.

VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

DIVISION I.—NATURE AND EXTENT.

*Confined to Municipality. Sec. 222.**General Regulations. Sec. 223.**May not grant monopolies. Sec. 224.**Except as to Ferries. Sec. 225.*

222. The jurisdiction of every council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given, and the powers of the council shall be exercised by by-law when not otherwise authorized or provided for. 29-30 V., c. 51, s. 190.

223. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council; and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 29-30 V., c. 51, s. 191.

224. No council shall have the power to give any person an exclusive right of exercising within the municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by Statute so to do; but the council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. 29-30 V., c. 51, s. 220.

225. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council,

Jurisdiction of councils.

General power to make regulations;

To repeal, alter, &c., by-laws.

Granting monopolies prohibited.

Provide.

Exception as to certain ferries.

council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. 29-30 V., c. 51, s. 221. *Vide* B. N. America Act, sec. 91, sub-sec. 13.

TITLE II.—RESPECTING BY-LAWS.

DIV. I.—AUTHENTICATION OF.

DIV. II.—OBJECTIONS BY RATE-PAYERS.

DIV. III.—VOTING ON BY ELECTORS.

DIV. IV.—CONFIRMATION OF.

DIV. V.—QUASHING.

DIV. VI.—BY-LAWS CREATING DEBTS.

DIV. VII.—BY-LAWS RESPECTING YEARLY RATES.

DIV. VIII.—ANTICIPATORY APPROPRIATIONS.

DIVISION I.—AUTHENTICATION OF.

Original and Copies. Sec. 226, 227.

Proof of facts for Governor. Sec. 228.

How by-laws
to be authenti-
cated.

226. Every by-law shall be under the seal of the corporation and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 29-30 V., c. 51, s. 192.

Proof of.

227. A copy of any by-law written or printed without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any member of the council, shall be deemed authentic, and be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal, or one or both of the signatures have been forged. 29-30 V., c. 51, s. 193.

By-laws re-
quiring as-
sent of the Go-
vernor.

228. The facts required by this Act to be recited in any by-law which requires the approval of the Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the council, and by the treasurer and clerk thereof, and by such other persons and on such other evidence as to the Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the council whose declaration the Governor in Council may accept. 29-30 V., c. 51, s. 197.

DIVISION II.—OBJECTIONS BY RATE-PAYERS.

*When and how made. Sec. 229.**When successful. Sec. 230.*

229. In case any person rated on the assessment roll of any municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or attorney, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. 29-30 V., c. 51, s. 194.

Opposition to
by-laws.

How to be
made.

230. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 29-30 V., c. 51, s. 195.

When by-laws
shall not pass.

DIVISION III.—VOTING ON BY ELECTORS.

*Proceedings in Voting. Sec. 231.**Who to Vote. Sec. 232, 233.**Freeholders. Sec. 232.**Leaseholders. Sec. 233.**Oath of Freeholder. Sec. 234.**Oath of Leaseholder. Sec. 235.**Council must pass when carried. Sec. 236.*

231. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

If a by-law
require the
assent of the
electors, mode
of obtaining
same.

(1.) The council shall by the by-law fix the day, hour and place, for taking the votes of the electors thereon at every place in the municipality at which the elections of the members of the council or councils therein are held, and shall also name a returning

Time and
place of voting
shall be fixed
by by-law.

returning officer to take the votes at every such place, and such day shall not be less than three nor more than five weeks after the first publication of the proposed by-law as herein provided for; *Vide* 29-30 V., c. 51, s. 196, sub. 1;

Proposed by-law to be published.

(2.) The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published within the municipality, or if there is no such newspaper, in the public newspaper published nearest the municipality, and also in either case in a newspaper published in the county town if there be any such newspaper—the publication to be continued in at least one number of each of such papers for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the municipality; 29-30 V., c. 51, s. 196, sub. 2;

Notice

(3.) Appended to each copy so published and posted, shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the council after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held; *Vide* 29-30 V., c. 51, s. 196, sub. 3;

Poll.

(4.) At such day and hour a poll shall be taken, and all proceedings thereat and for the purpose thereof, shall be conducted in the same manner, as nearly as may be, as at a municipal election; 29-30 V., c. 51, s. 196, sub. 4;

Verified poll book to be returned.

(5.) Every returning officer shall, on the day after the closing of the poll, return his poll-book verified by solemn declaration under his hand, to the clerk of the local municipality in which the poll was taken, and in case of a by-law of a county council, the clerk of the local municipality shall forthwith return to the clerk of the county council every poll-book so delivered to him; 29-30 V., c. 51, s. 196, sub. 5;

Clerk to sum up and declare result.

(6.) The clerk of the council which proposed the by-law shall add up the number of votes for and against the same, and shall certify to the council under his hand whether the majority have approved or disapproved of the by-law, and shall keep the same with the poll-book among the records of his office. 29-30 V., c. 51, s. 196, sub. 6.

Freeholders who may vote on by-law.

232. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders; and is at the time of such tender a freeholder, either at law or in equity, in his own right, or in right of his wife, of real property within such municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named or purported to be named, in

in the list of electors; Provided always, that in case of a new municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and has at the time of tender of his vote sufficient property to have entitled him to vote if he had been rated for such property, and at such time shall name such property to the returning officer: and the returning officer shall note such property in his poll-book, opposite the voter's name, at the request of any one entitled to vote on such by-law. *Vide* 29-30 V., c. 51, ss. 77, 101, sub. 8; 31 V., c. 30, ss. 9, 46 & 47.

Proviso in case of new municipality where there has been no assessment roll.

233. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and at the time of tender of the vote of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within such municipality of sufficient value to entitle him to vote at any municipal election and is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the list of electors; Provided always, that in case of a new municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he be at the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and at such time shall name such property to the returning officer; the returning officer shall note such property in his poll book, opposite the voter's name, at the request of any one entitled to vote on such by-law. *Vide* 29-30 V., c. 51, ss. 77, 101, sub. 8; 31 V., c. 30, ss. 9, 46, & 47.

Leaseholders who may vote on by-laws.

Proviso in case of new municipality where there has been no assessment roll.

234. Any ratepayer offering a vote in respect of a freehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a freeholder in his own

Oath of freeholder voting on by-law.

own right (*or in the right of his wife, as the case may require*), within the municipality for which the vote is taken; that he has not voted before on the by-law in the township or ward (*as the case may be*) in which he is tendering his vote; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, on the list of electors, (*or in case of a new municipality in which there has not been any assessment roll, then instead of referring to being named in the list of electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote*), and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. *Vide* 29-30 V., c. 51, ss. 77, 101, sub. 8; 31 V., c. 30, ss. 9, 46, & 47.

Oath of leaseholder voting on by-law.

235. Any ratepayer offering to vote in respect of a leasehold on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—That he is of the full age of twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he is a resident within the municipality for which the vote is taken for one month next before the vote; that he (*or his wife, as the case may require*), is a leaseholder within the municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law then submitted to the ratepayers is made payable, and that the lessee has covenanted in such lease to pay all municipal taxes; that he has not before voted on the by-law in the township or ward (*as the case may be*) in which he is voting; that he is, according to law, entitled to vote on the said by-law; that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote which he tenders; that he is the person named, or purporting to be named, in the list of electors (*or in case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named on the list of electors, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality;*) and no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 29-30 V., c. 51, ss. 77, 101, sub-s. 8; 31 V., c. 30, ss. 9, 46, & 47.

By-law carried by voters to be passed by council.

236. Any by-law which shall be carried by a majority of the duly qualified electors voting thereon, shall, within six weeks thereafter, be passed by the council which submitted the same. 34 V., c. 30, s. 16.

DIVISION IV.—CONFIRMATION OF.

*By Publication. Sec. 237. .**Notice. Sec. 238.**Consequent Validity. Sec. 239.*

237. Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof; and the publication aforesaid shall be in a public newspaper published within the municipality; or if there be no such newspaper, then in the public newspaper published nearest the municipality; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper for three successive weeks, and shall also in all cases be published in like manner, and for a like period, in a newspaper published in the county town if there be any such newspaper. *Vide* 29-30 V., c. 51, s. 200.

Promulgation
of by-laws.

238. The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following :

Notice to be
given.

NOTICE.—The above is a true copy of a by-law passed by the municipal council of the township of A, in the county of B, one of the united counties of B, C and D (or as the case may be) on the day of , 18 , and (where the approval of the Lieutenant Governor in Council is by law required to give effect to such by-law) approved by His Excellency the Lieutenant Governor in Council, on the day of , 18 ; and all persons are hereby required to take notice, that any one desirous of applying to have such by-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's superior courts of common law at Toronto, during the term of the said superior courts next after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz. : (here name the newspapers in which the publication is to be made) or he will be too late to be heard in that behalf; and take notice that such term commences on the day of , next.

Form of such
notice.

G. H.,

Township Clerk.

Vide 29-30 V., c. 51, ss. 202 & 203.

239. In case no application to quash any by-law be made within the term next after the third publication of such by-law and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself,

If not moved
against, within
the time limited,
to be valid.

itself, or in the time or manner of passing the same, be a valid by-law. 29-30 V., c. 51, s. 204; 35 V., c. 26, s. 4.

DIVISION V.—QUASHING BY-LAWS.

How to proceed. Sec. 240.

Time limited for application. Sec. 241, 242.

Motion against for corrupt practices. Sec. 243, 244.

No action till after quashing and notice. Sec. 245.

Liability of Municipality for Acts under illegal by-law.

Sec. 246.

Tender of Amends. Sec. 247.

Quashing by-laws.

240. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council thereof, applies to either of the superior courts of common law, and produces to the court a copy of the by-law, order or resolution, certified under the hand of the clerk and under the corporate seal, and shews, by affidavit, that the same was received from the clerk, and that the applicant is resident or interested as aforesaid, the court after at least four days' service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order or resolution in whole or in part for illegality and according to the result of the application, award costs for or against the corporation. 29-30 V., c. 51, s. 198.

Time within which application must be made.

241. No application to quash any such by-law, order or resolution, in whole or in part, shall be entertained by any court unless such application shall be made to such court within one year from the passing of such by-law, order, or resolution, except in the case of a by-law requiring the assent of electors or rate-payers, when such by-law has not been submitted to, or has not received the assent of such electors or rate-payers, and in such case an application to quash such by-law may be made at any time. 29-30 V., c. 51, s. 198.

Exception.

Time after which by-law cannot be quashed, if promulgated.

242. In case a by-law by which a rate is imposed has been promulgated in the manner herein specified, no application to quash the by-law shall be entertained after the next term of the superior courts of common law after the promulgation. 29-30 V., c. 51, s. 199.

Quashing by-laws obtained by bribery, &c.

243. Any by-law the passage of which has been procured through or by means of any violation of the provisions of sections one hundred and fifty-three and one hundred and fifty-four of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained. 35 V., c. 36, s. 13.

Procedural in such case.

244. Before determining any application for the quashing of

of a by-law upon the ground that any of the provisions of the said one hundred and fifty-third and one hundred and fifty-fourth sections of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a judge of one of the superior courts of law, that probable grounds exist for a motion to quash such by-law, the judge may make an order for an inquiry, to be held upon such notice to the parties affected, as the judge may direct concerning the said grounds, before the judge of the county court of the county in which the municipality which passed the by-law is situate, and require that upon such inquiry, all witnesses both against and in support of such by-law, be orally examined and cross-examined upon oath before said county court judge; and the said county court judge shall thereupon return the evidence so taken before him to the clerk of the Crown and Pleas at Toronto; and after the return of said evidence, and upon reading the same, any judge of the said superior courts may, upon notice to such of the parties concerned, as he shall think proper, proceed to hear and determine the question; and if the grounds therefor shall appear to him to be satisfactorily established, it shall be competent to him to make an order for quashing said by-law, and may order the costs attending said proceedings to be paid by the parties or any of them who shall have supported said by-law; and if it shall appear that the application to quash said by-law ought to be dismissed, the said judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law. 35 V., c. 36, s. 14.

Covts.

245. After an order has been made by a judge directing an inquiry, and after a copy of such order has been left with the clerk of the corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed, but if the matter be not prosecuted to the satisfaction of the judge he may remove the stay of proceedings. 35 V., c. 26, s. 15.

Stay of proceedings on the by-law.

246. In case a by-law, order or resolution be illegal in whole or part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring such action, has been given to the corporation, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 29-30 V., c. 51, s. 205.

Municipality to be liable for acts done under illegal by-law.

Notice of action.

247. In case the corporation tenders amends to the plaintiff or his attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the

Tender of amends.

the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 29-30 V., c. 51, s. 206.

DIVISION VI.—BY-LAWS CREATING DEBTS.

Requisite formalities. Sec. 248-250.

Assent of Electors, when required. Sec. 251.

When Special Council Meeting sufficient. Sec. 251, 252.

When repealable and when not Sec. 253, 254.

Illegal repeal to be ignored. Sec. 255.

Purchase of Public Works. Sec. 256.

Rates to be imposed therefor. Sec. 257.

By-laws for
contracting
debts.

248. Every such council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality, for any purpose within the jurisdiction of the council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as may be otherwise provided in the next two sections of this Act;

Terms of.
When to take
effect.

(1.) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed, when the by-law shall take effect;

When debt to
be redeemed.

(2.) If not contracted for gas or water-works, or for the purchase of public works, according to the Statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect; and if the debt is contracted for gas or water-works, the same shall in like manner be paid in thirty years at furthest, from the day on which the by-law takes effect;

If for gas or
water works,
et.

To provide a
yearly rate.

(3.) The by-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest;

Amount
thereof.

(4.) Such special rate shall be sufficient, according to the amount of ratable property appearing by the last revised assessment rolls, to discharge the debt and interest when respectively payable;

To be irre-
spective of
future increase
of ratable prop-
erty, etc.

(5.) The amount of ratable property shall be ascertained irrespective of any future increase of the ratable property of the municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, share or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof;

Recitals in;—
(1) Amount
and object of
debt;

(6.) The by-law, unless it is for a work payable by local assessment, shall recite: (1.) The amount of the debt which such

such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

(2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; (2) Amount to be raised annually;

(3.) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment rolls; (3) The value of the ratable property.

(4.) The amount of the existing debt of the municipality, showing the interest and principal separately and how much (if any) principal or interest is in arrears; and (4) Amount of existing debt;

(5.) The annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt, according to this Act; (or in case the debt is payable under the provisions of section two hundred and fifty for paying the instalments of principal and interest, as they respectively become payable.) (5) Special rate for interest and sinking fund.

Vide 29-30 V., c. 51, s. 226, sub. 1-6.

249. If the by-law is for a work payable by local assessment, it shall recite:—(1) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law; By-law for a work payable by local assessment must recite—

(3) The value of the whole real property ratable under the by-law as ascertained and finally determined as aforesaid; (4) The annual special rate in the dollar or per foot frontage, or otherwise, as the case may be, for paying the interest and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal, according to the foregoing provisions of this Act; (or in case the debt is payable under the provisions of section two hundred and fifty for paying the instalments of principal and interest, as they respectively become payable.) (5) That the debt is created on the security of the special rate settled by the by-law, and on that security only. *Vide* 29-30 V., c. 51, s. 303, sub 5.

(1) Amount and object of debt;

(2) Amount to be raised annually;

(3) Value of real property ratable;

(4) Special rate for interest and sinking fund, etc.

(5) That debt created on security of special rate.

250. In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may in its discretion make the principal of such debt repayable by annual instalments during the currency of the period (not exceeding thirty years, if the debt is for gas or water works, and not exceeding twenty years, if the debt is for any other purpose), within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the municipal corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in such by-law. Such by-law shall set forth the annual special rate to be raised in each year during the period of the currency of the debt, which shall

Municipal council may make principal repayable by equal annual instalments.

What by-law shall set out.

be sufficient according to the amount of ratable property, appearing by the last revised or revised and equalized assessment rolls, before the passing of the by-law to discharge the several instalments of principal and the interest accruing due on said debt, as the said instalments and interest become respectively payable, according to the terms of said by-law; and, in cases within this section, it shall not be necessary that any provision be made for the creation of a sinking fund. *New.*

By-laws for raising money not for ordinary expenses must (with certain exceptions) receive assent of electors.

Exception as to by-law for contracting debts for a sum or sums, not exceeding in any year \$20,000 above ordinary expenses.

No such by-law as last mentioned shall be valid unless passed at meeting specially called and held not less than three months after notice, etc.

251. Every by-law (except for drainage, as provided for under the four hundred and forty-seventh section of this Act, or for a work payable entirely by local assessment) for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in the two hundred and thirty-first section of this Act; except that in counties the county council may raise by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums, not exceeding in any one year twenty thousand dollars over and above the sums required for its ordinary expenditure. *Vide* 29-30 V., c. 51, ss. 227 & 305.

252. No such by-law of a county council for contracting any such debt or loan for an amount not exceeding in any one year twenty thousand dollars, over and above the sums required for its ordinary expenditure, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law as the same is ultimately passed, together with a notice of the day appointed for such meeting has been published in some newspaper issued weekly or oftener within the county; or, if there be no such public newspaper, then in a public newspaper published nearest to the county; and, in either case, published in a newspaper in the county town, if any such paper there be; which said notice may be of the effect following:—

FORM OF NOTICE.

Form of notice. The above is a true copy of a proposed by-law to be taken into consideration by the municipality of the county (or united counties) of _____ at _____ in the said county, (or united counties) on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the council are hereby required to attend for the purpose aforesaid. 29-30 V., c. 51, s. 228.

G. H.
Clerk.

253. When part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Governor in Council. 29-30 V., c. 51, s. 234.

When part only of money raised, by-law may be repealed as to residue.

Proviso.

254. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 29-30 V., c. 51, s. 235.

Until debt paid, certain by-laws cannot be repealed,

Nor altered,

Exceptions.

255. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. 29-30 V., c. 51, s. 207.

No officer to neglect, &c., to carry out by-law for payment under colour of illegal by-law.

256. Any council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of any such public work, or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid although no special or other annual rate has been settled or imposed to be levied in each year, as provided by sections two hundred and forty-eight to two hundred and fifty of this Act. *Vide* 29-30 V., c. 51, s. 229, sub. 1.

Municipal councils may purchase public works, &c. and contract debts with Crown.

although no special or other annual rate settled.

257. The council may in any by-law to be passed for the creation of any such debt, or for the executing of any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council settle

Rates may be imposed for the payment of debts contracted with the Crown for such works.

settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby be less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 29-30 V., c. 51, s. 229, sub. 2.

DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

Amount and Limit of Rate. Sec. 258.

Power to Exempt. Sec. 259.

Reduction of special Rate. Sec. 260.

Formalities in By-law, therefor. Sec. 261.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Aggregate rate limited to two cents in the dollar.

Provision when such aggregate not sufficient to pay debts payable within the year.

Proviso.

Power to exempt factories from taxation.

258. The council of every municipal corporation, and of every provisional corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest, falling due within the year, but no such council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; Provided always, if in any municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and the principal of the debts contracted by such municipality at the time of the passing of this Act shall exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of such municipality shall levy such further rates as may be necessary to discharge obligations already incurred, but shall contract no further debts until the annual rates required to be levied within such municipality are reduced within the aggregate rate aforesaid: Provided that this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. 29-30 V., c. 51, s. 225.

259. Every municipal council shall have the power of exempting any manufacturing establishment in whole, or in part, from taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. 33 V., c. 26, s. 15.

When the rate **260.** In case in any particular year, one or more of the following

following sources of revenue, namely : (1.) The sum raised by the special rate imposed for the payment of a debt, and collected for any particular year ; and (2.) The sum on hand from previous years ; and (3.) Any sum derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the sinking fund of the debt ; and (4.) Any sum derived from the temporary investment of the sinking fund of the debt, or of any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest, and the instalment of the debt for the particular year, and leave a surplus to the credit of such accounts, or either of them, then the council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less than the difference between such last mentioned surplus, and the annual sum which the original by-law named and required to be raised as a special rate. 29-30 V., c. 51, s. 236.

imposed by by-law may be reduced by by-law.

261. The by-law shall not be valid unless it recites :—

(1.) The amount of the special rate imposed by the original by-law ; (2.) The balance of such rate for the particular year or on hand from former years ; (3.) The surplus income of the work, share or interest therein received for such year ; and (4.) The amount derived for such year from any temporary investment of the sinking fund—

Recitals requisite in such by-law.

Nor unless the by-law names the reduced amount in the dollar to be levied under the original by-law—

Reduced rate to be named.

Nor unless the by-law be afterwards approved by the Governor in Council. 29-30 V., c. 51, s. 237.

By-law to be approved of by the Governor.

DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

When and how made. Sec. 262, 263.

By Senior for Junior Municipality. Sec. 264.

262. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following ;

Anticipatory appropriations may be made

(1.) The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid ;

What funds may be so appropriated.

(a.) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made ;

(b.) And of any money raised for the purpose aforesaid by additional rate or otherwise ;

(c.) And of any money derived from any temporary investment of the sinking fund ;

(d.)

(d.) And of any surplus money derived from any corporation work or any share or interest therein ;

(e.) And of any unappropriated money in the treasury ;
Such moneys respectively not having been otherwise appropriated ;

The sources
and applica-
tion to be
stated.

(2.) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year ;

When moneys
retained suffi-
cient, the year-
ly rate may be
suspended for
the ensuing
year.

(3.) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. 29-30 V., c. 51, s. 238.

By-law must
recite.

The original
debt and
object.

The amount
paid.

The annual
amount for
sinking fund
The amount
for sinking
fund in hand.

The amount
required for
interest.

And that it is
reserved, &c.

263. The by-law shall not be valid unless it recites ;

(1.) The original amount of the debt, and in brief and general terms, the object for which the debt was created ;

(2.) The amount, if any, already paid of the debt ;

(3.) The annual amount of the sinking fund appropriation required in respect of such debt ;

(4.) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ;

(5.) The amount required to meet the interest of the debt, for the year next after the making of such anticipatory appropriation ; and

(6.) That the council has retained at the credit of the special rate account of the debt, a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year ;

By-law to be
approved by
Governor.

No such by-law shall be valid unless approved by the Governor in Council. 29-30 V., c. 51, s. 239.

Anticipatory
appropriation
on separation
of municipali-
ties.

264. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. 29-30 V., c. 51, s. 240.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.

DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

Accounts for Special Rate and Sinking Fund. Sec. 265.*Surplus on Special Rate, Application of.* Sec. 266, 267.*Surplus on Special Rate, Investment of.* Sec. 268.*General Surplus, Application of.* Sec. 269-271.*Unauthorized Application, Liability for.* Sec. 272.*Yearly Returns to Government.* Sec. 273, 274.

265 The council of every municipal corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 29-30 V., c. 51, s. 230.

Two special accounts to be kept; 1, of the special rates; 2, of the sinking fund or instalments of principal.

266. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. 29-30 V., c. 51, s. 231

When surplus may be applied to next year's interest, and to sinking fund.

267. The Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, as the said council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order. 29-30 V., c. 51, s. 232.

Application of moneys with consent of Governor in Council.

268. If any part of the produce of the special rate levied

Surplus may be invested in certain cases.

in respect of any debt and at the credit of the sinking fund account, or of the special rate account thereof cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the council shall, from time to time, invest in Government securities, or otherwise, as the Governor in Council may direct. 29-30 V., c. 51, s. 232.

Council may apply other funds towards such debts.

269. Every such council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. 29-30 V., c. 51, s. 233.

Certain moneys may be set apart for educational purposes.

Investment of same.

Provide: as to investment.

270. From and after the passing of this Act, any municipal corporation having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source, other than from any distribution of the provincial surplus, may, by by-law, set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, Municipal Debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose; Provided always, that any sum so invested shall not exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is so invested. 29-30 V., c. 51, s. 272; 31 V., c. 30, s. 27; 32 V., c. 43, s. 21.

Loans to school trustees.

Aid to poor school sections.

No members of corporation to be party to investment.

271. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law invest the same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor school sections within the municipality. 29-30 V., c. 51, s. 275.

272. No member of any municipal corporation shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorised by this Act, or by the eleventh section of the Act respecting

ing Clergy Reserves, or by any other law in that behalf made and provided, and any such person so doing shall be held personally liable for any loss sustained by such corporation. *Vide* 29-30 V., c. 51, s. 277. Liability for loss.

273. The treasurer of every municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such municipality, transmit to the Treasurer of Ontario, on or before the fifteenth day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls, a true account of all the debts and liabilities of the municipality for every purpose, for the then last year; and such further information and particulars with regard to the liabilities and resources of the municipality, as the Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown. 29-30 V., c. 51, s. 163. Municipalities indebted to municipal loan fund to make annual returns to provincial treasurer.
Penalty for default.

274. Every council shall, on or before the thirty-first day of January in each year, under a penalty of twenty dollars, in case of default, to be paid to the Treasurer of Ontario, transmit to the Governor, through the Provincial Secretary, an account, in the form presented from time to time by the Governor in Council, of the several debts of the corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day: Every council to make a yearly report of state of debts to Governor, &c.

- (1.) The original amount of the debt;
 - (2.) The date when it was contracted;
 - (3.) The days fixed for its payment;
 - (4.) The interest to be paid therefor;
 - (5.) The rate provided for the redemption of the debt and interest;
 - (6.) The proceeds of such rate for the year ending on such thirty-first day of December;
 - (7.) The portion (if any) of the debt redeemed or paid during such year;
 - (8.) The amount of interest (if any) unpaid on such last mentioned day; and
 - (9.) The balance still due of the principal of the debt.
- 29-30 V., c. 51, ss. 159, 241 & 242. What such report must shew.

DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

*When granted. Sec. 275.**Expenses of. Sec. 276.*

When a commission of inquiry may issue.

275. In case one third of the members of any council, or thirty duly qualified electors of the municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation and things connected therewith, and if sufficient cause be shewn, the Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any court has in civil cases. 29-30 V., c. 51, s. 243. 34 V., c. 30, s. 15.

Expenses of such commissions provided for.

276. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner or commissioners by the corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the treasurer of the corporation. 29-30 V., c. 51, s. 244.

TITLE IV.—ARBITRATIONS.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

DIVISION II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

*How appointed. Sec. 277-281.**Failure of parties to appoint. Sec. 282.**Respecting roads, drains, &c. Sec. 283, 284.**Where several interests. Sec. 285, 286.**Award when to be made. Sec. 287.**Certain persons disqualified. Sec. 288.*

Appointments how to be made.

277. The appointment of all arbitrators shall be in writing under the hands of the appointors, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law. 29-30 V., c. 51, s. 353, sub 8.

Council or head thereof may appoint

278. The arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof

thereof, if authorized by a by-law of the council. 29-30 V., c. 51, s. 353, sub. 9. for corporation.

279. In cases where arbitration is directed by this Act, either party may appoint one arbitrator, and give notice thereof in writing to the other party, and therein calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given; a notice to a corporation shall be given to the head of the corporation. *Vide* 29-30 V., c. 51, s. 353, sub. 1. Mode of appointing arbitrators and conducting arbitrations.

280. The two arbitrators appointed by or for the parties shall within seven days from the appointment of the lastly named of the two arbitrators choose a third arbitrator. 33 V., c. 26, s. 13. Third arbitrator to be appointed.

281. In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case if there be an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. 33 V., c. 26, s. 13. When more than two municipalities.

282. In case of an arbitration between municipal corporations, if for twenty-one days, or in case the arbitration is respecting drainage works, then, if for twenty days after having received such notice, the party notified omits appointing an arbitrator; or if for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and a town or an incorporated village, the judge of the county court of the county within which the townships, town, or incorporated village are or any of them is situate, or in case the arbitration is between other municipalities, the Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. *Vide* 29-30 V., c. 51, s. 353, sub. 3; 35 V., c. 26, ss. 11 & 12. Provision in case of neglect to appoint.

283. In case of an arbitration between a municipal corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the corporation in regard to roads, streets, or other communications, or to drains and sewers, if, after the passing of the by-law, any person interested in the property, appoints and gives due notice to the head of the council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of the council shall, if authorized by by-law, within seven days, appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the council intends to exercise with respect to the property, describing it. *Vide* 29-30 V., c. 51, s. 353, sub. 4. Arbitration as to roads, drains, &c.

Provision if
owner of
property fails
to name
arbitrator.

284. In any such last mentioned arbitration, if after service on the owner or owners of the property of a copy of any by-law, certified to be a true copy under the hand of the clerk of the council, the owner or owners omit for twenty-one days naming an arbitrator, and giving notice thereof as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf. *Vide* 29-30 V., c. 51, s. 353, sub. 5.

Where several
parties are
interested in
the same pro-
perty.

285. In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in the two hundred and eighty-third section under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council, be disposed of by one award, such persons shall have twenty-one (instead of seven) days to agree upon, and give notice of an arbitrator jointly appointed in their behalf, before the county court judge shall have power to name an arbitrator for them. *Vide* 29-30 V., c. 51, s. 353, sub. 10.

County
Court judge
to appoint
arbitrator in
certain cases.

286. If any such owner or occupier or the head of any such council, whether from want of authority in that behalf, or otherwise, omit naming an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid, omit naming an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if any of said arbitrators refuse or neglect to act, the judge of the county court of the county in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the municipality in which the property in question is situate, to act for the party failing to appoint or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. *Vide* 29-30 V., c. 51, s. 353, sub. 7.

Time for
making award.

287. In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. *Vide* 29-30 V., c. 51, s. 353, sub. 6.

qualified from
acting as arbi-
trators.

288. No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested shall be appointed or act as an arbitrator

arbitrator in any case of arbitration under this Act. *Vide* 32 V., c. 43, s. 12. 35 V., c. 26, s. 11.

DIVISION II.—PROCEDURE.

Oath of Arbitrator. Sec. 289.

Proceedings. Sec. 290.

Costs, power over. Sec. 291.

Majority to decide. Sec. 292.

Evidence, where filed. Sec. 293.

Award, when adoption by By-law required. Sec. 294.

Award, how made, and Jurisdiction of Courts. Sec. 295.

289. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any justice of the peace :

Arbitrators to be sworn.

I (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God. *Vide* 29-30 V., c. 51, s. 353, sub. 11. 35 V., c. 26, s. 13.

Form of oath.

290. The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and if it be respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall, in case it be respecting drainage works as aforesaid, be filed with the registrar of deeds for the county in which the lands affected are situate. *Vide* 35 V., c. 26, s. 14.

Time of meeting.

291. The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that such costs should be taxed on either the scale of superior courts of common law, or of the county courts, in which case such costs shall be taxed by the officer in the county of the proper court, without any further order, and the amount shall be payable one week after such taxation. Revision by the principal officer at Toronto may be had upon one week's notice, and an appeal to a judge in the usual manner. *New.*

Costs.

292. In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. 33 V., c. 26, s. 13. 35 V., c. 26, s. 15.

Majority of decide.

of the evidence adduced to be taken and filed in certain cases.

Grounds of decision, etc., to be stated in writing.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

Award to be made by at least two arbitrators, and subject to Superior Courts.

Powers of the courts in such matters.

293. In the case of any award under this Act which does not require adoption by the council, or in case of any award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the clerk of the council for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the court to form a judgment of the weight which should be attached thereto. 29-30 V., c. 51, s. 353, sub. 13.

294. In case the award relates to property to be entered upon taken or used as mentioned in the two hundred and eighty-third section, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. 29-30 V., c. 51, s. 353, sub. 12.

295. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the superior courts of law or equity as if made on a submission by a bond containing an agreement for making the submission a rule or order of such court; and in the cases provided for by the two hundred and ninety-third section, the court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the court directs, and may, either without taking such evidence or after taking such evidence set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the court may appoint as prescribed in the "Common Law Procedure Act," and fix the time within which such further or new award shall be made, or the court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the court to require. 29-30 V., c. 51, s. 353, sub. 14.

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

Under Seal and by Signature of head. Sec. 296.

Railway Debentures. Sec. 297.

Defects in Form. Sec. 298.

Local Improvement Debentures. Sec. 299.

Registered Debentures. Sec. 300–303.

No issue under \$100. Sec. 304.

296. All debentures and other instruments duly authorized to be executed on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the treasurer of the municipality to see that the money collected under such by-law is properly applied to the payment of the interest and principal of such debentures. 29-30 V., c. 51, s. 213.

Debentures,
bonds, &c.,
how to be exe-
cuted.

297. Any debenture issued in aid of any railway, or for any bonus, signed or indorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 29-30 V., c. 51, s. 350.

In certain
cases, debentures valid
without corpo-
rate seal, etc.

298. Any debentures issued under the authority of any by-law which has been promulgated under this Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof: Provided that the said by-law is in accordance with sub-sections one to five, both inclusive of section two hundred and forty-seven, or in accordance with section two hundred and fifty, and has received the assent of the electors where necessary, and that no successful application has been made to quash the same within the next term after the promulgation thereof. *Vide* 35 V., c. 26, s. 22.

Debentures
valid notwith-
standing de-
fect in form.

Proviso.

299. Every debenture issued under the sections of this Act numbered four hundred and sixty-three, four hundred and sixty-four, and four hundred and sixty-five, inclusive, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the by-law under which it is issued. 29-30 V., c. 51, s. 304.

Form of de-
benture.

300. Any debentures to be issued by any municipal council may contain a provision in the following words: "This debenture, or any interest therein, shall not, *after* a certificate of this

Mode of trans-
fer may be
prescribed.

ownership has been endorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the said corporation at the town (or village) of _____, " or to the like effect. *New.*

Debenture
registry book.

301. The treasurer of every municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a Debenture Registry Book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of any such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the said treasurer and duly filed. *New.*

Registered
debentures
transferred by
entry, etc.

302. After such certificate of ownership has been endorsed as aforesaid, such debenture shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such Debenture Registry Book from time to time as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. *New.*

Council may
authorize the
borrowing of
sums to pay
current ex-
penses.

303. The council of every municipality may authorize its head, with the treasurer thereof, under the seal of the corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the corporation until such time as the taxes levied therefor can be collected, and the council shall by by-law regulate the amounts to be so borrowed, and the promissory note or notes to be given in security therefor.

Without spe-
cial authority,
no bond, etc.,
etc., to be
given for less
than \$100.

Proviso.

304. No council shall, unless especially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any bond, bill, note, debenture, or other undertaking issued in contravention of this section, shall be void; Provided always, that nothing herein contained, shall be construed to affect or repeal so much of the provisions of sections two hundred and eighteen, two hundred and nineteen, and two hundred and twenty of the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, as is intended to prohibit municipal councils acting as bankers, or issuing notes to circulate as those of a bank-
Vide 29-30 V., c. 51, s. 218.

TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

DIV. I.—CORONERS AND JUSTICES OF THE PEACE.

DIV. II.—PENALTIES.

DIV. III.—WITNESSES AND JURORS.

DIV. IV.—CONVICTIONS UNDER BY-LAWS.

DIV. V.—EXECUTIONS AGAINST MUNICIPAL CORPORATIONS.

DIV. VI.—COSTS IN *Mandamus*.

DIV. VII.—CONTRACTS ALIKE VOID IN EQUITY AND IN LAW.

DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE.

DIV. X.—COURT HOUSE, GAOLS AND OTHER PLACES OF IMPRISONMENT.

DIV. XI.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.

DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

DIVISION I.—CORONERS AND JUSTICES OF THE PEACE.

Coroners. Sec. 305.

Justices of the Peace—who are ex-officio. Sec. 306, 307.

Jurisdiction of County, City and Town Justices. Sec. 308-313.

Qualification of certain Justices. Sec. 314.

305. One or more coroners may be appointed for any incorporated city or town. *Vide* 29-30 V., c. 51, s. 298. Appointment of coroners.

306. The head of every council, the police magistrate of every city and town, and reeve of every town, township and incorporated village, shall, *ex-officio*, be justices of the peace for the whole county, or union of counties, in which their respective municipalities lie, and aldermen in cities shall be justices of the peace in and for such cities. 32 V., c. 6, s. 11. Certain persons to be ex-officio justices of the peace.

307. Every police magistrate shall also *ex officio* be a justice of the peace for the city or town for which he holds office. 32 V., c. 6, s. 11. Police magistrate ex-officio justice of the peace.

308. No other justice of the peace shall admit to bail, or discharge a prisoner, or adjudicate upon, or otherwise act in any case for any town or city where there is a police magistrate, except in the case of the illness, absence, or at the request of the police magistrate. 32 V., c. 6, s. 11. When there is a police magistrate, other justices of the peace not to act.

309. The police magistrate,³ or when there is no police magistrate, the mayor of a town or city shall have jurisdiction in addition to his other powers, to try and determine all prosecutions Jurisdiction of police magistrates and mayors over certain offences

cutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office. 29-30 V., c. 51, s. 212.

Jurisdiction of justices under by-laws.

310. Every justice of the peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in such county, where there is no police magistrate. 29-30 V., c. 51, s. 364.

Jurisdiction in cases not specially provided for.

311. In case an offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any justice of the peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the justice is a member of the council or not, may try and determine any prosecution for the offence. 29-30 V., c. 51, s. 208.

Jurisdiction of county justices in certain towns.

312. Nothing herein contained shall interfere with the jurisdiction of justices of the peace for the county in which a town having no police magistrate is situate, over offences committed in the town. 29-30 V., c. 51, s. 361.

When certain commissions of peace to cease.

313. When a town has been erected into a city, and the council of the city duly organized, every commission of the peace theretofore issued for the town shall cease. 29-30 V., c. 51, s. 359.

Qualification of certain officials.

314. No warden, mayor, reeve, alderman, or police magistrate, after taking the oaths or making the declarations as such shall be required to have any property qualification, or to take any further oath to enable him to act as a justice of the peace. 29-30 V., c. 51, s. 358.

DIVISION II.—PENALTIES.

Recovery and application thereof. Sec. 315, 316.
Where Offence against By-Laws. Sec. 317-319.

Recovery and enforcement of penalties.

315. Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor be recovered and enforced, with costs, by summary conviction, before any justice of the peace for the county, or of the municipality in which the offence was committed; and, in default of payment, the offender may be committed to the common jail, house of correction, or lock-up-house of such county or municipality, there to be imprisoned for any time, in the discretion of the convicting justice, not exceeding, unless where other provision is specially made, thirty days, unless such fine and penalty, and costs, including the costs of the commitment, be sooner paid. 29-30 V., c. 51, s. 355, sub. 23.

Imprisonment in default of payment.

316. When not otherwise provided, every pecuniary penalty recovered before any justice of the peace under this Act, shall be paid and distributed in the following manner: one moiety to the city, town, village or township in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the justice may seem proper. 29-30 V., c. 51, s. 355, sub. 25.

Application of penalties.

317. The justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law, as he shall think fit, with the costs of prosecution, and may, by warrant, under the hand and seal of the justice or other authority, or in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 29-30 V., c. 51, s. 209.

Evidence.

Award of penalty and costs.

How levied.

318. In case of there being no distress found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, house of correction, or nearest lock-up-house, for the term, or some part thereof, specified in the by-law. 29-30 V., c. 51, s. 210.

Commitment in default of distress.

319. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation. 29-30 V., c. 51, s. 211.

Fines, how applied.

DIVISION III.—WITNESSES AND JURORS.

Informer, competent. Sec. 320.

Ratepayers, members, officers, &c., of corporations as witnesses. Sec. 321.

Liable to challenge as Jurors. Sec. 321.*

Compelling attendance of witnesses. Sec. 322.

320. Upon the hearing of any information or complaint, exhibited or made under this Act, any person, (including the person giving or making the information or complaint) shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender. 29-30 V., c. 51, s. 355, sub. 24.

Who may be a witness

Given under my hand and seal, the day and year first above written, at _____, in the said county.

(L.S.)

J. M.,
J. P.

29-30 V., c. 51, s. 362.

DIVISION V.—EXECUTIONS AGAINST MUNICIPAL CORPORATIONS

Proceedings thereon. Sec 324.

Municipal Officers, also Officers of Court. Sec. 325.

324. Any writ of execution against a municipal corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following ;

Proceedings on writs of execution against municipalities.

(1.) The sheriff shall deliver a copy of the writ and endorsement to the treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service ;

Sheriff to deliver copy of writ and statement of claim to treasurer.

(2.) In case the amount, with interest thereon from the day mentioned in the statement, be not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage, up to the time when such rate will probably be available ;

If claim not paid, rate to be struck by sheriff.

(3.) The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates ;

Sheriff's precept to collector, &c., to levy rate.

(4) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, "Execution rate in *A. B., vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the sheriff the receipt with the amount levied thereon, after deducting their percentage.

Rate rolls.

(5.)

Surplus.

(5) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation. 29-30 V., c. 51, s. 224, sub. 1-5.

Clerk, assessors and collectors to be officers of the court from which writ issues.

325. The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the court, out of which the writ issued, and as such shall be amenable to the court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. 29-30 V., c. 51, s. 224 sub. 6.

DIVISION VI.—COSTS IN MANDAMUS.

Costs upon mandamus.

326. Upon any application for, or other proceedings upon a writ of mandamus for or against a municipal corporation, the courts may, in their discretion, grant or refuse costs to either party. 29-30 V., c. 51, s. 223.

DIVISION VII.—CONTRACTS VOID ALIKE IN EQUITY AND LAW.

Contracts by members with the corporation to be void at law if void in equity.

327. In case a member of the council of any municipality, either in his own name, or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, and which is on that account void or voidable in equity, the same contract, purchase or sale, shall also be held void in any action at law thereon against the corporation. 29-30 V., c. 51, s. 222.

DIVISION VIII.—POLICE OFFICE, AND POLICE MAGISTRATE.

Who to preside in Police Office. Sec. 328.

Clerk of. Sec. 329.

Magistrate, appointment and salary of. Sec. 330, 331.

Tenure of office. Sec. 332.

Police offices in cities and towns.

328. The council of every town and city shall establish therein a police office; and the police magistrate, or in his absence, or where or when there is no police magistrate, the mayor of the town or city shall attend at such police office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a justice of

of the peace ; but any justice of the peace having jurisdiction in a town or city may, at the request of the mayor thereof, act in his stead at the police office. Except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by proclamation for a Public Fast, Thanksgiving, or Holiday, or on any day set apart by the council as a civic holiday. *Vide* 29-30 V., c. 51, s. 367.

329. The clerk of the council of every city or town, or such other person as the council of the city or town may appoint for that purpose, shall be the clerk of the police office thereof, and perform the same duties, and receive the same emoluments as clerks of justices of the peace ; and in case the said clerk is paid by a fixed salary, the said emoluments shall be paid by them or him to the municipality, and form part of its funds and such clerk shall be the officer of and under the police magistrate. *Vide* 29-30 V., c., 51, s. 374.

Clerk of police office, and his duties.

Fees or salary.

330. All cities, and all towns having more than five thousand inhabitants, shall have a police magistrate, and the salaries of such police magistrate shall not be less than on the following scale, and such salaries shall be paid half-yearly by the city and town municipalities respectively ;

In what cases police magistrate to be appointed.

(1.) In cities—Fourteen hundred dollars per annum, but any salary of a larger amount paid to any police magistrate at the time of the passing of this Act, shall be continued whilst such police magistrate remains in office ;

Salaries of police magistrates in cities.

(2.) In towns—Where the population is not more than six thousand, eight hundred dollars per annum ; where the population is over six thousand and not more than eight thousand, one thousand dollars per annum ; where the population is over eight thousand, twelve hundred dollars per annum. *Vide* 29-30 V., c. 52, s. 371. 31 V., c. 30, s. 39.

In towns.

331. Every other town may, if the Governor in Council sees fit to make such an appointment, have a police magistrate, but no such appointment shall in the first instance be made for a town not having more than five thousand inhabitants, until two-thirds of the members of the council do, in council, pass a resolution affirming the expediency thereof : Provided always, that every police magistrate appointed before the passing of this Act in a town with a less population than five thousand shall not be affected by this section. *Vide* C. S. U. C., c. 54, ss. 369 & 374. 29-30 V., c. 51, s. 371.

Police magistrates may be appointed in towns of not more than 5000 inhabitants, on certain conditions. Proviso.

332. Every police magistrate shall be appointed by the Governor, and shall hold office during pleasure. *Vide* 29-30 V., c. 51, s. 372.

Tenure of office. ●

DIVISION IX.—BOARD OF COMMISSIONERS OF POLICE IN
CITIES AND POLICE FORCE IN CITIES AND TOWNS.

Board, members of. Sec. 333.

Quorum, who to be. Sec. 334.

May license horses, cabs, &c. Sec. 335.

By-laws of, how authenticated and proved. Sec. 336.

Infraction of, how punishable. Sec. 337.

High bailiffs. Sec. 338.

Police force. Sec. 339.

Appointment of. Sec. 340.

Regulations for. Sec. 341, 342.

Remuneration of. Sec. 343.

Constables in towns where no Police Magistrate. Sec. 344.

Arrests without Warrant. Sec. 345.

Suspension from office. Sec. 346, 347.

Board of
commissioners
of police; of
whom com-
posed.

333. In every city and town where there is a police magistrate there is hereby constituted a board of commissioners of police, and such board shall consist of the mayor, the judge of the county court of the county in which the city or town is situate, and the police magistrate, and in case the office of county judge or that of police magistrate be vacant, the council of the city or town shall appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; such commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties. 32 V., c. 6, s. 15.

Powers as to
witnesses.

Majority to
constitute a
quorum.

334. A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board. 29-30 V., c. 51, s. 395.

Licensing
livery stables,
cabs, etc.

335. The board of commissioners of police shall in cities regulate and license the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers, and may provide for enforcing payment of such rates and for such purposes shall pass by-laws and enforce the same in the manner and to the extent in which any by-law to be passed under the authority of this Act may be enforced. *Vide* 31 V., c. 30, s. 33; 32 V., c. 43, s. 22.

Shall make
by-laws.

How such by-
laws authenti-
cated and
proved.

336. All by-laws of such board of commissioners of police shall be sufficiently authenticated by being signed by the chairman of the board, who shall pass the same; and a copy of any such by-law written or printed and certified to be a true copy by any member of such board, shall be deemed authentic, and be received in evidence in any court of justice without proof of any such signature, unless it is specially pleaded or alleged

alleged that the signature to any such original by-law has been forged. 32 V., c. 32, s. 39.

337. In all cases where the board of commissioners of police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the police magistrate of the city for which the same may be passed, or in his absence, before any justice of the peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form herein set forth. 32 V., c. 32, s. 38.

May be enforced by penalties, etc.

How recovered

338. The council of every city shall appoint a high bailiff, but may provide by by-law that the offices of high bailiff and chief constable shall be held by the same person. 29-30 V., c. 51, s. 389.

High bailiffs.

339. The police force in cities and towns having a police magistrate shall consist of a chief constable and as many constables and other officers and assistants as the council from time to time deems necessary, but not less in number than the board reports to be absolutely required. 29-30 V., c. 51, s. 396.

Police force.

340. The members of such police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe to the following oath:

Appointment of members thereof.

I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen, in the office of Police Constable for the of without favour or affection, malice or ill-will; and that I will, to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law. 29-30 V., c. 51, s. 397; 31 V., c. 30, s. 41.

Oath of office.

341. The board shall, from time to time, make such regulations as they may deem expedient, for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. 29-30 V., c. 51, s. 398.

Board to make police regulations.

342. The constables shall obey all lawful directions, and be subject to the government of the board; and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which

Constables to be subject to the board.

Duties of which

which belong by law to constables duly appointed. 29-30 V., c. 51, s. 399.

Remuneration
and contingent
expenses.

343. The council shall appropriate and pay such remuneration for and to the respective members of the force as shall be required by the board of commissioners of police; and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities as the board may from time to time deem requisite, and require for the payment, accommodation, and use of the force. 29-30 V., c. 51, s. 400.

Constables in
towns not
having police
magistrate.

344. The council of every town not having a police magistrate shall appoint one chief constable and one or more constables for the municipality, and the persons so appointed shall hold office during the pleasure of the council. 29-30 V., c. 51, s. 390.

Arrests by con-
stables for al-
leged breaches
of the peace
not committed
in their pre-
sence.

345. In case any person complains to a chief of police, or to a constable in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the police magistrate or before the mayor or sitting justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the magistrate, mayor or justice to be dealt with according to law. 29-30 V., c. 51, s. 391.

Until a board
of police is
organized,
mayor, etc.,
may suspend
chief con-
stable, etc.,
from office. &c.

346. Until the organization of a board of police, every mayor or police magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the chief constable, or constable of the town or city, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the city council respectively shall have the like powers as to the high bailiff of a city. 29-30 V., c. 51, s. 392.

Incapacity of
such officer to
act.

347. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the mayor or police magistrate who suspended him, nor during

during such suspension shall he be entitled to any salary or remuneration. 29-30 V., c. 51, s. 393. Salary to cease.

DIVISION X.—COURT-HOUSES, GAOLS AND OTHER PLACES OF IMPRISONMENT.

Erection and care of. Sec. 348-366.

Who to be confined in, and expense of prisoners. Sec. 357-367-369.

348. Every county council may pass by-laws for erecting, improving and repairing a court-house, gaol, house of correction, and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. 29-30 V., c. 51, s. 401. County council may pass by-laws as to county build ings.

349. The gaol, court-house and house of correction of the county in which a town or city, not separated for all purposes from a county, is situate, shall also be the gaol, court-house, and house of correction of the town or city, and shall, in the case of such city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the town or city. 29-30 V., c. 51, s. 402. Gaols and court-houses in counties and cities, &c., not separated.

350. The council of every city may erect, preserve, improve and provide for the proper keeping of a court-house, gaol, house of correction and house of industry upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. 29-30 V., c. 51, s. 405. City councils may erect &c. certain public buildings.

351. The council of every county may establish and maintain a lock-up-house or lock-up-houses within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up-house, and may direct the payment of the salary out of the funds of the county. 29-30 V., c. 51, s. 407. Lock-up-houses may be established by county council.

352. Every lock-up-house shall be placed in the charge of a constable specially appointed for that purpose, by the magistrates of the county at a general sessions of the peace therefor. 29-30 V., c. 51, s. 408. A constable to be placed in charge.

353. The council of every city, township, town, and incorporated village may, by by-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination Lock-up-houses.

examination on a charge of having committed any offence ; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence ; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up-houses. 29-30 V., c. 51, s. 412.

Joint lock-up houses.

354. Two or more municipalities may unite to establish and maintain a lock-up-house. 29-30 V., c. 51, s. 412.

Land may be acquired for industrial farms, house of industry, refuge, &c.

355. The council of every county, city, or town separated from a county may acquire an estate in landed property for an industrial farm, and may establish a house of industry and a house of refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such houses of industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same : Provided always, that any two or more united counties, or any two or more contiguous counties, or any city and one or more counties, or any town or one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties and maintain and keep up the same in the manner herein provided. *Vide* 29-30 V., c. 51, s. 413 ; 31 V., c. 30, s. 42.

Inspectors to keep and render accounts of expenses, &c.

356. The inspector shall keep an account of the charges of erecting, keeping, upholding and maintaining the house of industry or refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as of those discharged therefrom, and also of the earnings ; and such account shall be rendered to the county council every year, or oftener when required by a by-law of the council ; and a copy thereof shall be presented to each branch of the Legislature. 29-30 V., c. 51, s. 416.

By-laws may be passed establishing work-houses and houses of correction.

357. The council of every city and town may respectively pass by-laws ;

(1.) For erecting and establishing within the city or town, or on such industrial farm, or on any ground held by the corporation for public exhibitions, a work-house or house of correction, and for regulating the government thereof ;

(2.) For committing and sending, with or without hard labour, to the work-house or house of correction, or to the industrial farm, by the mayor, police magistrate, or any justice of the peace while having jurisdiction in the city or town respectively, such description of persons as may by the council be deemed, and by by-law be declared expedient ; and such farm or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the city or town and the jurisdiction thereof. 29-30 V., c. 51, s. 417.

Who liable to be committed thereto.

358. The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons. 29-30 V., c. 51, s. 418.

Custody of
gaols.
Keepers

359. The county council shall have the care of the court-house and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating, and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light, and furniture for the courts of justice other than the division courts, and for all officers connected with such courts. 29-30 V., c. 51, s. 419.

County council to have
care of court
house, &c.

360. In any city not being a separate county for all purposes, but having a gaol or court-house separate from the county gaol or court house, the care of such city gaol or court-house shall be regulated by the by-laws of the city council. 29-30 V., c. 51, s. 420.

City gaols to
be regulated by
by-laws of city
council.

361. In case of a separation of a union of counties, all rules and regulations, and all matters and things in any Act of Parliament for the regulation of, or relating to court-houses or gaols in force at the time of the separation, shall extend to the court-house and gaol of the junior county. 29-30 V., c. 51, s. 406.

Upon separation
of union
of counties,
gaol and court
house regulations
to continue.

362. The municipality in which a division court is held shall furnish a court room and other necessary accommodation holding said court, not in connection with any hotel.

Division courts
accommodation.

363. Cities and towns separated from counties shall, as parts of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges, and expenses from time to time as the same may be incurred, of erecting, building, and repairing and maintaining the court-house and gaol of their respective counties; and in case the council of the city or town separate as aforesaid, and the council of the county in which such city or town is situate for judicial purposes, cannot by agreement from time to time settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of the Act.

Expenses of
court-houses
and gaols in
case of cities
and towns separated from
counties.

364. While a city or town uses the court-house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or be settled by arbitration under this Act. 29-30 V., c. 51, s. 403.

Compensation
by city or town
for use of
court-house,
&c.

When the amount of compensation may be reconsidered.

365. In case after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by Statute, and whether before or after the passing of this Act, it appears reasonable to the Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. 29-30 V., c. 51, s. 404.

Existing lock-up-houses to continue.

366. Nothing herein contained shall affect any lock-up-house heretofore lawfully established, but the same shall continue to be a lock-up-house as if established under this Act. 29-30 V., c. 51, s. 411.

This Act not to affect 29-30 Vic., c. 51, s. 409, which enables justice to direct confinement in certain cases.

367. Nothing herein contained shall be taken or construed to affect or repeal section four hundred and nine of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one, which enacts that:—
“Any justice of the peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up-house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person can be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any justice or justices of the peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law.” 29-30 V., c. 51, s. 409.

Expense of conveying and maintaining prisoners.

368. The expense of conveying any prisoner to, and of keeping him in a lock-up-house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. 29-30 V., c. 51, s. 410.

This Act not to affect 29-30 Vic., c. 51, ss. 414, 415, which enact that

369. Nothing herein contained shall be taken or construed to affect or repeal so much of sections four hundred and fourteen and four hundred and fifteen of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, which enact that:—

Justices, &c., may commit

“Any two of Her Majesty’s justices of the peace or of the Inspectors appointed as aforesaid may, by writing under their hands

hands and seals, commit to the house of industry or of refuge, persons who to be employed and governed according to the rules, regulations, are and orders of the house;

"(1.) All poor and indigent persons who are incapable of sup- Indigent. porting themselves;

"(2.) All persons without the means of maintaining them- Idle. selves, and able of body to work, and who refuse or neglect so to do;

"(3.) All persons leading a lewd, dissolute or vagrant life, Lewd. and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living;

"(4.) And all such as spend their time and property in pub- Frequenters of public houses. lic houses, to the neglect of any lawful calling;

"(5.) And idiots;

"And every person committed to the house of industry or of refuge, if fit and able, shall be kept diligently employed at labour during his continuance there; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the house of industry or of refuge in that behalf." Idiots. Punishment of refractory inmates.

29-30 V., c. 51, ss. 414 & 415.

DIVISION XI.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.

370. In case the council of any municipality at any time passes a resolution requesting the judge of the county court of the county in which the municipality is situated to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the municipality, or in case the council of any municipality sees fit to cause enquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the said judge to make the inquiry, the judge shall enquire into the same, and shall for that purpose have all the powers of commissioners under the Statute of Ontario respecting inquiries concerning public matters and official notices, and the judge shall, with all convenient speed, report to the council the result of the enquiry and the evidence taken thereon. Investigation by county judge of charges of malfeasance by county officers Judge to have powers under 31 Vic., cap. 6 (Ont.) 29-30 V., c. 51, s. 380. 32 V., c. 6, s. 12.

DIVISION XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

Mayer may
call out
posse comitatus

371. The mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. 29-30 V., c. 51, s. 365.

PART VII.

GENERAL POWERS OF MUNICIPAL COUNCILS.

DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. II.—OF COUNTIES, CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. III.—OF TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. IV.—OF COUNTIES, CITIES AND SEPARATED TOWNS.

DIV. V.—OF CITIES, TOWNS AND INCORPORATED VILLAGES.

DIV. VI.—OF CITIES AND TOWNS.

DIV. VII.—OF TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES.

DIV. VIII.—OF TOWNS AND INCORPORATED VILLAGES.

DIV. IX.—OF COUNTIES ONLY.

DIV. X.—OF TOWNSHIPS ONLY.

DIV. XI.—AS TO HIGHWAYS AND BRIDGES.

DIV. XII.—AS TO WORKS PAID FOR BY LOCAL RATES.

DIV. XIII.—AS TO RAILWAYS.

DIVISION I.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

Councils may
make by-laws!

372. The council of every county, township, city, town and incorporated village may pass by-laws:—

Obtaining Property.

For obtaining
property, real
and personal,
&c.

(1.) For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required; 29-30 V., c. 51, s. 246, sub. 1.

Appointing

Appointing Certain Officers.

(2.) For appointing such—

Pound-keepers,
Fence-viewers,
Overseers of Highways,

Road Surveyors,
Road Commissioners,
Valuators ;

And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers ; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality ; and it shall be lawful for said municipality to pay any such member of the corporation acting as such commissioner, superintendent or overseer ; 29-30 V., c. 51, s. 246, sub. 2 ; 31 V., c. 30, s. 25.^a

May appoint
certain officers.

(3.) For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties ; 29-30 V., c. 51, s. 246, sub. 3.

May fix fees
and securities.

Aiding Agricultural and other Societies.

(4.) For granting money or land in aid of the Agricultural Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of the Board of Arts and Manufactures for Ontario, or of any incorporated Mechanics' Institute within the municipality ; 29-30 V., c. 51, s. 246, sub. 4.

May grant aid
to Agricultural
Societies ;

Aiding Manufacturing Establishments.

(5.) For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the said municipality may determine upon ; and to pay such sum, either in one sum or in an annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient, and may take security therefor : Provided, however, that no such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts : Any municipality granting such aid, may take and receive of and from such person or body corporate that may receive any such aid, security for the compliance with the terms and conditions upon which such aid may be given ; 34 V., c. 30, s. 6.

May give aid
by way of
bonus to
manufactures.

Proviso.

Aiding Road Companies.

(6.) For taking stock in, or lending money to, any incorporated road or bridge company having roads or bridges within its companies ;

Taking stock
in, or making
loans to, such
companies ;

its jurisdiction, under and subject to the respective statutes in that behalf ; 29-30 V., c. 51, s. 333, sub. 8.

Aiding Indigent Persons and Charities.

May aid indigent persons and charities ; (7.) For aiding in maintaining any indigent person belonging to or found in the municipality at any work-house, hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character ; or granting aid to any charitable institution or out-of-door relief to the resident poor ; *Vide* 29-30 V., c. 51, ss. 279 & 299, sub. 11 ; 31 V., c. 30, s. 28.

Census.

Local census ; (8.) For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality ; 29-30 V., c. 51, s. 246, sub. 5.

Driving on Roads and Bridges.

To regulate driving on roads and bridges ; (9.) For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate, or dangerous driving or riding thereon ; 29-30 V., c. 51, s. 296, sub. 26, sec. 333, sub. 3, sec. 344, sub. 2.

Opening or stopping up drains and water-courses, &c. (10.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ; 29-30 V., c. 51, s. 333, sub. 1.

Fines and Penalties.

Fines and penalties for neglect of duty (11.) For inflicting reasonable fines and penalties not exceeding fifty dollars exclusive of costs,—

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause be shown therefor, or to take the declaration of office, and afterwards neglects the duties thereof ; and

(b) For breach of any of the by-laws of the corporation ; 29-30 V., c. 51, s. 246, sub. 6 ; 34 V., c. 30, s. 3.

Collecting penalties and costs. (12.) For collecting such penalties and costs by distress and sale of the goods and chattels of the offender ; 29-30 V., c. 51, s. 246, sub. 7.

Imprisonment when allowed, and time of. (13.) For inflicting reasonable punishment, by imprisonment with or without hard labour either in a lock-up-house in some town or village in the township, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being

being no distress found out of which such fine can be levied, except for breach of any by-law or by-laws in cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, in case of the non-payment of the costs and fines inflicted and there being no sufficient distress as aforesaid. 29-30 V., c. 51, s. 246, sub. 8.

Temperance Laws.

(14.) For prohibiting the sale of intoxicating liquors and the issue of licenses therefor, according to the provisions and limitations contained in the Temperance Act of 1864; 27-28 Vic., c. 18. *New.* Enforcing temperance.

Purchasing Wet Lands.

(15.) For purchasing from the Government or any corporation or person, at a price (in case of Crown Lands, to be fixed upon by the Governor in Council, and which price the Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such corporation or person in any such township; and such lands may be sold accordingly to the corporation of any such township; 29-30 V., c. 51, s. 345, sub. 5. Purchase of wet lands from Government.

(16.) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money, by loan or otherwise, or for which they may apply any of its funds not otherwise appropriated; 29-30 V., c. 51, s. 345, sub. 6. Raising money for purchasing and draining same.

(17.) The corporation of any such township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase-money or any portion thereof, as they may think most advantageous; 29-30 V., c. 51, s. 345, sub. 7. May hold or dispose of such land.

(18.) The proceeds of the sale of such lands shall form part of the general funds of the municipality; 29-30 V., c. 51, s. 345, sub. 8. Proceeds of sale.

Ornamental Trees.

(19.) For causing any tree, shrub, or sapling, growing or planted on any public place, square, highway, street, lane, alley, or other communication under its control to be removed, if and when such removal shall be deemed necessary for any purpose of public improvement; but no such tree, shrub, or sapling shall be so removed until after one month's notice thereof shall be given to the owner of the adjoining property, and he be recompensed for his trouble in planting and protecting the same; nor shall such owner, or any pathmaster, or other public officer, or any other person, remove or cut down or injure such tree, shrub, or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley, or other communication or otherwise, without the express permission of the municipal Regulations as to trees, shrubs, &c., in public places.

municipal council having the control of the public place, square, highway, street, road, lane, alley, or other communication; and any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley, or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes. 34 V., c. 31, ss. 3 & 5.

Compensation for Lands taken.

Owners of
lands taken by
corporation,
&c., to be
compensated.

Differences
to be deter-
mined by
arbitration.

373. Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 29-30 V., c. 51, s. 325.

Titles to Land of Infants, &c., how acquired.

How title ac-
quired to lands
when owned
by corpora-
tions, tenants
in tail, vested
in trustees, &c.

If there be no
party who can
convey, &c.

374. In the case of real property which a council has authority under this Act to enter upon, take or use without the owner's consent, corporations, tenants in tail or for life, guardians, committees and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof; And in case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the judge of the county court for the county in which such property is situate, may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 29-30 V., c. 51, s. 326

Application,
&c., of purchase
money where
party has not
an absolute
estate in the
property.

375. In case any party acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Court of Chancery, or other court having equitable jurisdiction in such cases, do in the mean time direct the council

council to pay the same to any person or into court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such court. 29-30 V., c. 51, s. 327.

376. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 29-30 V., c. 51, s. 328.

Purchase money subject to charges on property.

Expenses of Erecting Fences, &c.

377 Whenever any municipal council has any authority to direct by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also by the same or another by-law, direct that in default of its being done by the party, such matter or thing shall be done at the expense of the party in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal rates. *New.*

Mode of compelling performance of certain matters directed to be done by council, &c.

DIVISION II.—POWERS OF COUNCILS OF COUNTIES, CITIES TOWNS, AND INCORPORATED VILLAGES.

378. The council of every county, city, town and incorporated village may pass by-laws for the following purposes:—

By-laws may be made for—

Harbours, Docks, &c.

(1.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water;

The cleanliness of wharves, docks, &c.

(2.) For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found;

The removal of door steps, &c. obstructing wharves, &c.

(3.) For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof;

The making, &c., of wharves, docks, &c.

(4.) For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers, and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good

Regulating harbours, beacons, wharves, elevators, &c.

Vessels, &c.

Harbour dues.

good order, and to pay a harbour master. 29-30 V., c. 51, s. 296, sub. 1-4; 31 V., c. 30, s. 43.

DIVISION III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES, TOWNS AND INCORPORATED VILLAGES.

By-laws may be made for— **379.** The council of every township, city, town or incorporated village may pass by-laws;

Electoral Divisions.

Dividing city or town into wards, &c.

And townships and villages into electoral divisions, &c.

Disqualifying electors in arrears for taxes.

(1.) For dividing the wards of such city or town, or for dividing such township or village into two or more convenient electoral divisions, and for establishing polling places therein, and may from time to time repeal or vary the same, and such electoral divisions shall be made, or varied whenever the electors in any ward, township, village, or division exceed two hundred, and shall be made and varied in such a manner that the number of electors in the several electoral divisions shall not exceed the said number of two hundred; *Vide* 29-30 V., c. 51, s. 278.

(2.) For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes, due by him on or before the fourteenth day of December, next preceding the election;

Billiard or Bagatelle Tables.

Licensing and regulating the use of billiard and bagatelle tables.

(3.) For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force; 29-30 V., c. 51, s. 264, sub. 1.

Victualling Houses, &c.

Victualling houses, &c., number and regulation of.

(4.) For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public; 29-30 V., c. 51, s. 264, sub. 2.

License and fee for same.

(5.) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding twenty dollars; 29-30 V., c. 51, s. 264, sub. 3.

Schools.

Acquiring land for public schools, &c.

(6.) For obtaining such real property as may be required for

for the erection of public school-houses thereon, and for other public school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of public schools according to law; 29-30 V., c. 51, s. 269, sub. 2.

Cemeteries.

(7.) For accepting or purchasing land for public cemeteries, as well within as without the municipality, but not within any city, town, or incorporated village, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burial ground may agree for the sale or transfer thereof to the municipality which may desire to acquire the same; and in cases where such grounds have not been used for burials the municipality may dispose thereof, and acquire other ground instead thereof; 29-30 V., c. 51, s. 269, sub. 3.

Acquiring land for cemeteries, &c.

Proviso.

(8.) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; 29-30 V., c. 51, s. 269, sub. 4.

Selling portion of such land for certain purposes.

Cruelty to Animals.

(9.) For preventing cruelty to animals; and for preventing the destruction of birds, the by-laws for these purposes not being inconsistent with any Statute in that behalf; 29-30 V., c. 51, s. 269, sub. 5.

Preventing cruelty to animals, and destruction of birds.

Dogs.

(10.) For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors or harbourers of dogs; 29-30 V., c. 51, s. 269, sub. 6.

Regulations as to dogs.

(11.) For killing dogs running at large contrary to the by-laws; 29-30 V., c. 51, s. 269, sub. 7.

Killing dogs.

Fences.

(12.) For settling the height and description of lawful fences; 29-30 V., c. 51, s. 269, sub. 8.

Fences.

Division Fences.

(13.) For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount

Division fences, and cost thereof.

Provision
until by-laws
made.

so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws be made, the Act respecting line fences and water courses, shall continue applicable to the municipality; 29-30 V., c. 51, s. 269, sub. 9.

Water Courses.

Water course:

(14.) For compelling the owners of lands through which any open drain or water course passes to erect and keep up water gates where fences cross such drain or water course, and for preventing persons obstructing any drain or water course; *New.*

Weeds.

Destruction of
weeds.

(15.) For preventing the growth of weeds detrimental to husbandry and compelling the destruction thereof; 29-30 V., c. 51, s. 269, sub. 10.

Filth in Streets.

Preventing
throwing of
dirt, &c., in
streets, &c.

(16.) For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish, on any street, road, lane, or highway; 31 V., c. 30, s. 36.

Burning Stumps, Brush, &c.

Regulating
the burning of
stumps, trees,
brush, &c.

(17.) For regulating the times during which stumps, wood, logs, trees, brush, straw, shavings, or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times; *New.*

Exhibitions, Shows, &c.

Regulating
public shows,
and licensing
same.

Fines for in-
fraction.

Proviso.

Licenses not to
be granted for
certain times
and places.

(18.) For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen; and for requiring the payment of license fees for authorizing the same, not exceeding one hundred dollars for every such license; and for imposing fines upon persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month; Provided always, that it shall not be lawful for the council of any municipal corporation, or the commissioners of police in any city, to grant licenses or license certificates to persons having exhibitions of any work or circus, riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares, or merchandize of whatever description, for gain, on the days of the exhibition of the Agricultural Association of Upper Canada, or of any county, electoral division,

sion, or township agricultural society, either on the grounds of such society, or within the distance of three hundred yards from such grounds; 29-30 V., c. 51, s. 269, sub. 11.]

Graves.

(19.) For preventing the violation of cemeteries, graves, ^{Protecting} tombs, tombstones, or vaults where the dead are interred; ^{graves.}
29-30 V., c. 51, s. 269, sub. 12.

Shade Trees.

(20.) For allowing to any person who shall plant any fruit ^{Encouraging} trees, or any trees, shrubs or saplings, suitable for affording ^{planting of} shade on any highway within the municipality, in ^{certain trees,} abatement ^{etc.} of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted;

Injuries to Property and Notices.

(21.) For preventing the injuring or destroying of trees ^{Ornamental} or shrubs planted or preserved for shade or ornament; and the ^{trees.} defacing of private or other property by printed or other notices; *Vide* 29-30 V., c. 51, s. 269, sub. 13.

(22.) For preventing the pulling down or defacing of sign- ^{Signs.} boards, and of printed or written notices, lawfully affixed; *Vide* 29-30 V., c. 51, s. 269, sub. 14.

Gas and Water Companies.

(23.) For authorizing any corporate gas or water company to ^{Authorizing} lay down pipes or conduits for the conveyance of water or gas ^{gas and water} under streets or public squares, subject to such regulations as ^{companies to} the council sees fit; 29-30 V., c. 51, s. 269, sub. 15. ^{lay down} pipes, &c.

(24.) For acquiring stock in, or lending money to, any such ^{Taking stock} company; and for guaranteeing the payment of money bor- ^{in gas and} rowed by, or of debentures issued for money so borrowed by ^{water com-} the company; Provided the by-law is consented to by the elec- ^{panies.} tors, as hereinbefore provided: in such case the head of any ^{Proviso.} corporation holding stock in any such company to the amount ^{Head of corpo-} of ten thousand dollars shall be *ex officio* a director of the com- ^{ration to be a} pany in addition to the other directors thereof, and shall also be ^{director in} entitled to vote on such stock at any election of directors; ^{certain cases.}
29-30 V., c. 51, s. 269, sub. 16; sec. 270.

Establishing Boundaries.

(25.) For procuring the necessary estimates, and making the ^{Regulating} proper application for ascertaining and establishing the bound- ^{boundaries of} ary lines of the municipality, according to law, in case the ^{municipalities.} same has not been done; and for erecting and providing for the preservation

preservation of the durable monuments required to be erected for evidencing the same; 29-30 V., c. 51, s. 269, sub. 1.

Inspection of Weights and Measures.

- Weights and measures.** (26.) For appointing inspectors to regulate weights and measures, according to the lawful standard; 29-30 V., c. 51, s. 283, sub. 1.
- Inspecting, &c., same.** (27.) For visiting all places wherein weights and measures, steel-yards or weighing machines of any description are used; 29-30 V., c. 51, s. 283, sub. 2.
- False weights, &c.** (28.) For seizing and destroying such as are not according to the standard; 29-30 V., c. 51, s. 283, sub. 3.
- Penalties.** (29.) For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines; 29-30 V., c. 51, s. 283, sub. 4.
- Seizing bread, &c.** (30.) For seizing and forfeiting bread or other articles when of light weight or short measurement;

Public Morals.

- Sale of intoxicating drink to children, &c.** (31.) For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master, or legal protector; 29-30 V., c. 52, s. 284, sub. 1.
- Indecent placards, &c.** (32.) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; 29-30 V., c. 52, s. 284, sub. 2.
- Vice, drunkenness, &c.** (33.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; 33 V., c. 26, s. 4.
- Lewdness.** (34.) For suppressing disorderly houses and houses of ill-fame; 29-30 V., c. 51, s. 284, sub. 4.
- Exhibitions, &c.** (35.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement; 29-30 V., c. 51, s. 284, sub. 6.
- Gaming.** (36.) For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein; 29-30 V., c. 51, s. 284, sub. 7.
- Racing.** (37.) For preventing horse racing; 29-30 V., c. 51, s. 284, sub. 5.
- Vagrants.** (38.) For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place; 29-30 V., c. 51, s. 284, sub. 8.
- Indecent exposure.** (39.) For preventing indecent public exposure of the person and other indecent exhibitions; 29-30 V., c. 51, s. 284, sub. 9.
- Bathing.** (40.) For preventing or regulating the bathing or washing the person in any public water in or near the municipality. 29-30 V., c. 51, ss. 284, sub. 10, 296, sub. 19.

380. In case the council of any township, city, town or incorporated village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Governor in the manner provided for in the sixth to the tenth sections of the Consolidated Statute for Upper Canada respecting the survey of lands, praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be) and the limits of each lot so ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said Statute. 29-30 V., c. 51, s. 268.

Placing land-marks and monuments or mark boundaries of concessions, lots, &c.

Con. Stat. U. C., c. 93.

381. The council of every township, city, town and incorporated village, may also pass by-laws (not inconsistent with the Consolidated Statute of Canada relating to cruelty to animals);

Cruelty to animals.

Providing Pounds, &c.

- (1.) For providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the pound-keeper to impound; Providing pounds.
- (2.) For restraining or regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law; Animals running at large.
- (3.) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the municipality; Appraising the damages.
- (4.) For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 29-30 V., c. 51, s. 354, sub. s. 1-4. Compensation with respect to impounding animals.

Public Health.

382. The members of every township, city, town and incorporated village council shall be health officers within their respective municipalities, under the Consolidated Statute for Upper Canada, respecting the public health, and under any Act passed after this Act takes effect for the like purpose; but any such

Members of council to be health officers.

May delegate powers.

such council may by by-law delegate the powers of its members as such health officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the council thinks best. 29-30 V., c. 5 s. 248.

DIVISION IV.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

By-laws may be made for—

383. The council of every county, city and town separate from the county for municipal purposes, may pass by-laws for the following purposes;

Engineers—Inspectors.

Appointing engineers, inspectors, gaol surgeons, &c.

(1.) For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the house of industry; also one or more surgeons of the gaol and other institutions under the charge of the municipality; and for the removal of such officers; 29-30 V., c. 51, s. 286, sub. 1.

Auctioneers.

Auctioneers.

(2.) For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force 29-30 V., c. 51, s. 286, sub. 2.

Hawkers and Peddlars.

Licensing, etc. hawkers, peddlars, &c.

(3.) For licensing, regulating and governing hawkers or petty chapmen; and other persons carrying on petty trades, who have not become permanent residents in the county, city or town, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares or merchandise for sale, or in or with any boat, vessel, or other craft or otherwise carrying goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force; and for providing the clerk of the municipality with licenses in this and the previous section mentioned, for sale to parties applying for the same in the township under such regulations as may be prescribed in such by-law; but no duty shall be imposed for hawking or peddling any goods, wares or merchandise the growth, produce or manufacture of this Province, not being liquors, within the meaning of the law relating to taverns or tavern licenses; 32 V., c. 43, s. 19.

Provide as to duties on manufactures of this Province, &c.

Ferries.

Licensing, &c., with assent of

(4.) For licensing and regulating ferries between any two places within

within the municipality, and establishing the rates of ferriage to be taken thereon; but no such by-law as to ferries, shall have effect until assented to by the Governor in Council; but until the council pass a by-law regulating such ferries, and in the cases of ferries not between two places in the same municipality, the Governor by order in council may from time to time regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the Statutes in force relating to ferries; *Vide* 29-30 V., c. 51, s. 286, sub. 4.

Governor,
ferries, &c.
Provision for
particular
cases.

Lands for High Schools

(5.) For obtaining in such part of the county, or of any city or town separated within the county, as the wants of the people may most require, the real property requisite for erecting High School-houses thereon, and for other High School purposes, and for preserving, improving and repairing such school-houses, and for disposing of such property when no longer required; 29-30 V., c. 51, s. 288, sub. 1.

Acquiring
lands for
High Schools,
&c.

Aiding High Schools.

(6.) For making provisions in aid of such High Schools as may be deemed expedient; 29-30 Vic., c. 51, s. 288, sub-s. 2.

Aiding High
Schools.

Supporting Pupils at University and High Schools.

(7.) For making a permanent provision for defraying the expense of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the public High Schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize, offered by such university or college; 29-30 V., c. 51, s. 288, sub. 3.

Supporting
certain High
School pupils
at University
of Toronto,
and U. C. Col-
lege, &c.

(8.) For making similar provision for the attendance at any High School, for like purposes of pupils of Common Schools of the county; 29-30 V., c. 51, s. 288, sub. 4.

Similar pro-
vision for
attendance at
High Schools.

Endowing Fellowships.

(9.) For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the Public High Schools in the county, as the council deem expedient for the encouragement of learning amongst the youth thereof; 29-30 V., c. 51, s. 288, sub. 5.

Endowing
fellowships in
University of
Toronto and
U. C. College.

Public Fairs.

(10.) For authorizing on petition of at least fifty qualified electors

Authorizing
the holding,
&c., of public

fairs, and
regulating
same.

electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes ;

(a.) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement ;

(b.) The by-law to authorize the establishment of any such fair, shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair ;

Public notice
of by-law
establishing
same.

(c.) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. 34 V., c. 21, ss. 1-4.

DIVISION V.—POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

By-laws may
be made for—

384. The council of every city, town and incorporated village may pass by-laws for the following purposes ;

Water.

Establishing,
&c., public
wells, reser-
voirs, &c.

(1.) For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water ; 29-30 V., c. 51, s. 296, sub. 5.

Markets, &c.

Establishing
markets.

(2.) For establishing markets ; 29-30 V., c. 51, s. 296, sub. 6.

Regulating
markets.

(3.) For regulating all markets established and to be established ; the places, however, already established as markets in such municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority ; and all market reservations or appropriations heretofore made in any such municipality, shall continue to be vested in the corporation thereof ; 29-30 V., c. 51, s. 296, sub. 7.

Old markets
continued.

Regulating
vending in
streets, &c.

(4.) For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small ware and other articles offered for sale ; 33 V., c., 26, s. 5.

Regulating
sales, &c.

(5.) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed ; 29-30 V., c. 51, s. 296, sub. 9.

Sale of grain,
butcher's meat,
farm produce,
small ware, &c.

(6.) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware and all other articles exposed for sale, and the fees to be paid therefor.

therefor ; and also for preventing criers and vendors of small ware from practising their calling in the market, public streets and vacant lots adjacent thereto ; 33 V., c. 26, s. 6.

(7.) For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market ; 29-30 V., c. 51, s. 296, sub. 11. Preventing forestalling, &c.

(8.) For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners ; 29-30 V., c. 51, s. 296, sub. 12 ; 31 V., c. 30, s. 32 ; 34 V., c. 30, s. 2. Regulating hucksters, &c.

(9.) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel ; 29-30 V., c. 51, s. 296, sub. 13. Measuring, etc., certain articles.

(10.) For imposing penalties for light weight or short count, or short measurement in anything marketed ; 29-30 V., c. 51, s. 296, sub. 14. Penalties for light weight, &c.

(11.) For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid ; 29-30 V., c. 51, s. 296, sub. 15. Regulations vehicles used in market vending.

(12.) For regulating the assize of bread, and preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the by-law ; 29-30 V., c. 51, s. 296, sub. 16. Assize of bread, &c.

(13.) For selling, after six hours' notice, butchers' meat distrained for rent of market-stalls ; 29-30 V., c. 51, s. 296, sub. 18. Sale of meat distrained.

Tainted Meat.

(14.) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food ; 29-30 V., c. 51, s. 296, sub. 17. Tainted provisions.

Nuisances.

(15.) For preventing and abating public nuisances ; 29-30 V., c. 51, s. 296, sub. 20. Abatement of nuisances.

(16.) For preventing or regulating the construction of privy vaults ; 29-30 V., c. 51, s. 296, sub. 21. Privy vaults.

(17.) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; 29-30 V., c. 51, s. 296, sub. 23. Slaughter houses, &c.

(18.) For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places ; 29-30 V., c. 51, s. 296, sub. 24. Preventing noises.

(19.) For preventing or regulating the firing of guns or other fire-arms ; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace ; 29-30 V., c. 51, s. 296, sub. 25. Firing of guns, &c.

Vacant

Vacant Lots.

Vacant lots. (20.) For causing vacant lots to be properly enclosed ; 29-30 V., c. 51, s. 296, sub. 22.

Cattle Off Sidewalks.

Driving, &c., upon sidewalks. (21.) For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor ; *vide* 29-30 V., c. 51, s. 296, sub. 26.

Importuning Travellers.

Importuning travellers. (22.) For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed ; 29-30 V., c. 51, s. 296, sub. 27.

Public Health.

Public health. (23.) For providing for the health of the municipality, and against the spreading of contagious or infectious diseases ; 29-30 V., c. 51, s. 296, sub. 28.

Interments.

Interments. (24.) For regulating the interment of the dead, and for preventing the same taking place within the municipality ; 29-30 V., c. 51, s. 296, sub. 29.

Bills of mortality. (25.) For directing the keeping and returning of bills of mortality ; and for imposing penalties on persons guilty of default ; 29-30 V., c. 51, s. 296, sub. 30.

Gunpowder.

Gunpowder, care of. (26.) For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; for regulating, and providing for the support by fees, of magazines for storing gunpowder belonging to private parties ; for compelling persons to store therein ; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor ; 29-30 V., c. 51, s. 296, sub. 32.

Preventing Fires.

Fire companies, &c. (27.) For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies ; hook-and-ladder companies, and property-saving companies ; 29-30 V., c. 51, s. 296, sub. 33.

Medals and rewards to persons (28.) For providing medals or rewards for persons who distinguish themselves at fires ; and for granting pecuniary aid,
or

or otherwise assisting the widows and orphans of persons who are killed by accident at such fires; 29-30 V., c. 51, s. 296, sub. 34. distinguishing themselves at fires. Aid to widows.

(29.) For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places; 29-30 V., c. 51, s. 296, sub. 35. Fire in stables. &c.

(30.) For preventing or regulating the carrying on of manufacturing factories or trades dangerous in causing or promoting fire; 29-30 V., c. 51, s. 296, sub. 36. Dangerous manufactories.

(31.) For preventing, and for removing or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire; 29-30 V., c. 51, s. 296, sub. 37. Chimneys, stoves, &c.

(32.) For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same; 29-30 V., c. 51, s. 296, sub. 38. Size and cleaning of chimneys, &c.

(33.) For regulating the mode of removal and safe keeping of ashes; 29-30 V., c. 51, s. 296, sub. 39. Ashes.

(34.) For regulating and enforcing the erection of party walls; 29-30 V., c. 51, s. 296, sub. 40. Party walls.

(35.) For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof; *vide* 29-30 V., c. 51, s. 296, sub. 41. Scuttles, ladders, &c., to houses.

(36.) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; 29-30 V., c. 51, s. 296, sub. 42. Guarding buildings against fire.

(37.) For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; 29-30 V., c. 51, s. 296, sub. 43. Firebuckets.

(38.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; 29-30 V., c. 51, s. 296, sub. 44. Inspection of premises

(39.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; 29-30 V., c. 51, s. 296, sub. 45. Preventing spreading of fire.

(40.) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; 29-30 V., c. 51, s. 296, sub. 46. Enforcing assistance at fires.

Removal of Snow, Ice, Dirt, and Obstructions.

(41.) For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt, and other obstructions, from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, Removal of snow, &c. Cleansing of sidewalks, streets, &c.

non-residents, and all other persons, who, for twenty-four hours, shall neglect to clean the same ; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default ; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates ; 29-30 V., c. 51, s. 296, sub. 47 ; 31 V., c. 30, s. 34.

Preventing ob-
struction and
fouling of
streets, &c.

(42.) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication ; 29-30 V., c. 51, s. 340, sub. 3.

Removal of
door-steps, &c.

(43.) For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found ; 29-30 V., c. 51, s. 340, sub. 4.

Numbering Houses and Lots.

Numbering
houses, &c.

(44.) For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same ; 29-30 V., c. 51, s. 296, sub. 48.

Record of
streets, num-
bers, &c.

(45.) For keeping (and every such council is hereby required to make and keep) a record of the streets, and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection ; 29-30 V., c. 51, s. 296, sub. 49.

Naming Streets.

For marking
the boundaries
of and naming
streets, &c.

(46.) For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof on either public or private property. 29-30 V., c. 51, s. 340, sub. 5.

Levels of Cellars.

Ascertaining
levels of
cellars, &c.

(47.) For ascertaining and compelling owners, tenants and occupants to furnish the councils with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws ; 29-30 V., c. 51, s. 296, sub. 50.

Compelling the
furnishing of
ground or
block plan of

(48.) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels

levels of the cellars and basements thereof, with reference to a buildings to be erected.
line fixed by the by-laws; 29-30 V., c. 51, s. 296, sub. 51.

Sewerage.

(49.) For regulating the construction of cellars, sinks, water- Cellars, sinks, closets, privies and privy vaults, and the manner of draining &c.
the same; 29-30 V., c. 51, s. 296, sub. 52.

(50.) For compelling or regulating the filling up, draining, Filling in hol- clearing, altering, relaying and repairing of any grounds, yards, low places, vacant lots, cellars, private drains, sinks, cesspools and privies; drains, &c.
and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools, and privies are situate, with the cost thereof if done by the council on their default; 29-30 V., c. 51, s. 296, sub. 53.

(51.) For making any other regulations for sewerage or drain- Sewerage and age that may be deemed necessary for sanitary purposes; 29- drainage.
30 V., c. 51, s. 296, sub. 54.

(52.) For charging all persons who own or occupy property Charging rent which is drained into a common sewer, or which by any by- for sewers.
law of the council is required to be drained into such sewer with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid: 29-30 V., c. 51, s. 296, sub. 55.

Licensing Transient Traders.

(53.) For licensing, regulating and governing transient traders Regulating and other persons who occupy premises in the city or town, transient tra- or incorporated village, for temporary periods, and whose names ders.
have not been duly entered on the assessment roll in respect of income or personal property for the then current year. 33 V., c. 26, s. 7.

User of Streets.

(54.) For regulating the conveyance of traffic in the public Regulating streets, and the width of the tires and wheels of all vehicles traffic in streets, wheels, &c.
used for the conveyance of articles of burden, goods, wares, or merchandise.

DIVISION VI.—POWERS OF COUNCILS OF CITIES AND TOWNS.

385. The council of every city and town may pass by-laws : By-laws for--

Intelligence Offices.

(1.) For licensing suitable persons to keep Intelligence Licensing in- Offices for registering the names and residences of, and giving telligence information to, or procuring servants for, employers in want of offices.
domestics or labourers, and for registering the names and residences

- residences of and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices; 29-30 V., c. 51, s. 299, sub. 1.
- Regulation of. (2.) For the regulation of such Intelligence Offices; 29-30 V., c. 51, s. 299, sub. 2.
- Duration of license. (3.) For limiting the duration of or revoking any such license; 29-30 V., c. 51, s. 299, sub. 3.
- Prohibition of without license. (4.) For prohibiting the opening or keeping any such Intelligence Office within the municipality without license; 29-30 V., c. 51, s. 299, sub. 4.
- Fees for. (5.) For fixing the fee to be paid for such license, not exceeding ten dollars for one year; 29-30 V., c. 51, s. 299, sub. 5.

Wooden Buildings.

- Regulating erection of wooden buildings and fences. (6.) For regulating the erection of buildings, and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city or town; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of combustible material, within defined areas of the city or town, and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection, which may be constructed or placed in contravention of any by-law; 29-30 V., c. 51, s. 299, sub. 6.
- Construction of buildings within fire limits.

Police.

- Police. (7.) For establishing, regulating and maintaining a police; but subject to the other provisions of this Act on that head; 29-30 V., c. 51, s. 299, sub. 7.

Industrial Farm—Exhibition.

- Industrial farms, parks, &c. (8.) For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town; 29-30 V., c. 51, s. 299, sub. 8.
- Buildings thereon. (9.) For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions, as the council deems necessary; 29-30 V., c. 51, s. 299, sub. 9.
- Managing the same. (10.) For the management of the farm, park, garden, walk, or place for exhibitions and buildings; 29-30 V., c. 51, s. 299, sub. 10.

Charities.

- Alms-houses, &c. (11.) For establishing and regulating within the city or town, or

or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town; 29-30 V., c. 51, s. 299, sub. 11.

Corporation Surveyor.

(12.) For appointing any provincial land surveyor to be the corporation surveyor; 29-30 V., c. 51, s. 300, sub. 1. Corporation surveyor.

Gas and Water.

(13.) For lighting the municipality, and for this purpose performing any work, and placing any fixtures that are necessary on private property; 29-30 V., c. 51, s. 300, sub. 2. Lighting with gas.

(14.) For laying down gas or water pipes in any street, and opening streets for the purpose; and for taking up or repairing such pipes, and for using every power and privilege given to any gas or water company incorporated in the municipality as if the same were specially given by this Act, subject, however, to the provisions herein contained as to the erection of gas or water-works and levying rates therefor; 29-30 V., c. 51, s. 300, sub. 3. Laying down gas and water pipes.

(15.) For providing for the inspection of gas-meters; 29-30 V., c. 51, s. 300, sub. 8. Inspection of gas meters.

(16.) For providing for the appointment of three commissioners for entering into contracts for the construction of gas and water works; for superintending the construction of the same; for managing the works when completed; and for providing for the election of the said commissioners by the electors from time to time and at such periods, and for such terms as the council may appoint by the by-law authorizing the election; 29-30 V., c. 51, s. 300, sub. 9. Commissioners for erection of gas or water works.

(17.) For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years; 29-30 V., c. 51, s. 300, sub. 4. Construction of gas and water works.

386. No by-law under the last sub-section shall be passed—
Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate;

Nor, secondly, until at a poll, held in the same manner and at Estimate to be published, and notice of taking poll on by-law.
Poll to be held, and majority at

must be in
favour.

at the same places, and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law;

By-law to be
passed within
three months.

Nor, thirdly, unless the by-law is passed within three months after holding said poll. 29-30 V., c. 51, s. 300, sub. 5.

If by-law
rejected.

387. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year; 29-30 V., c. 51, s. 300, sub. 6.

Provisions
where there is a
gas or water
company in-
corporated for
the municipal-
ity.

388. In case there be any gas or water company incorporated for the municipality, the council shall not levy any gas or water rate until such council has by by-law fixed a price to offer for the works or stock of the company; nor until thirty days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company. 29-30 V., c. 51, s. 300, sub. 7.

Provide as to
provisions in
special Acts.

389. The foregoing clauses, or any of them, shall not be construed to apply to or affect the provisions contained in any special Act obtained or to be obtained by any company or municipal corporation.

DIVISION VII.—POWERS OF COUNCILS OF TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES

By-laws may
be made for—

390. The council of every township, town and incorporated village may also pass by-laws;

Commutation of Statute Labour.

Voluntary
commutation
of statute
labour.

(1.) For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding one dollar for each day's labour;

Compulsory
commutation.

(2.) For providing that a sum of money, not exceeding one dollar for each day's labour, may, or shall be paid in commutation of such statute labour;

Increasing or Reducing Amount.

Fixing number
of days' statute
labour.

(3.) For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are assessed, or otherwise, respectively liable;

Enforcing.

Enforcing.

(4.) For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law; Enforcing statute labour.

(5.) For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended; 29-30 V., c. 51, s. 332, sub. 1-5. Regulating performance, &c.

Tavern and Shop Licenses.

(6.) Respecting shop and tavern licenses, and regulating the sale of spirituous, fermented, or other manufactured liquors, and the appointment of inspectors of licenses—as authorized by the Act respecting Tavern and Shop Licenses, being the Act passed in the thirty-second year of Her Majesty's reign chaptered thirty-two, and the Act passed in the thirty-third year of Her Majesty's reign chaptered twenty-eight, and any amendments thereto. 32 V., c. 32; 33 V., c. 28. Regulating shop and tavern licenses, and sale of spirits, &c.

DIVISION VIII.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

391. The council of every town and incorporated village may pass by-laws; By-laws may be made for—

Licensing Vehicles, &c.

(1.) For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof. 29-30 V., c. 51, s. 296, sub. 31; *vide* 31 V., c. 30, s. 33. Regulating and licensing livery stables, cabs, &c.

DIVISION IX.—EXCLUSIVE POWERS OF COUNCILS OF COUNTIES.

392. The council of every county may make by-laws; By-laws may be made for—

Protecting Booms.

(1.) For protecting and regulating of booms on any stream or river for the safe-keeping of timber, saw-logs and staves within the municipality. 29-30 V., c. 51, s. 344, sub. 4. Protecting booms.

Board of Audit, Criminal Justice, &c.

393. Every county council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to such council, to be members of the board of audit, for auditing County Boards of Audit.

auditing and approving accounts and demands preferred against the county, the approving and auditing whereof previous to the nineteenth day of December, one thousand eight hundred and sixty-eight, belonged to the "General Sessions." 32 V., c. 6, s. 9, sub. 2; 33 V., c. 8, s. 2.

Payment of
members of
board.

394. The council may pay the persons appointed by them to serve on the said board of audit, any sum not exceeding two dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. 33 V., c. 8, s. 3.

Livery Horses, &c.

Regulating
and licensing
livery stables,
&c.

395. The council of every county, having county, gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws authorizing the regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads. 31 V., c. 30, s. 45.

Wheels.

Rates of fare.

Horse Thieves.

Reward for
apprehension
of persons
guilty of horse
stealing.

396. The council of every county shall provide by by-law, that a sum not less than twenty dollars shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county, and such reward shall be paid out of the funds of the corporation on conviction of the thief on the order of the judge before whom the conviction is obtained. 29-30 V., c. 51, s. 355, sub. 26.

Improvements by either County of a Union.

Enabling
either county
of a union to
make improve-
ments therein.

397. The councils of united counties may make appropriations and raise funds to enable either county separately to carry on such improvements as may be required by the inhabitants thereof. 29-30 V., c. 51, s. 290.

Reeves, &c., of
the county
interested
alone to vote.
Exception.

398. Whenever any such measure is brought under the notice of the council of any united counties, none but the reeves and deputy reeves of the county to be affected by the measure shall vote; except in case of an equality of votes, when the warden

warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote. 29-30 V., c. 51, s. 291.

399. In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to. 29-30 V., c. 51, s. 292.

Provisions of this Act for re-payment to apply.

400. The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. 29-30 V., c. 51, s. 293.

Treasurer to pay over moneys without deduction.

401. The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but such debenture shall be under the seal of the united counties, and be signed by the warden thereof. 29-30 V., c. 51, s. 294.

The property to be assessed in such cases.

DIVISION X.—POWERS OF TOWNSHIPS.

402. The council of every township may pass by-laws ;

By-laws may be made for—

Obstructions to Streams and Water-courses.

(1) For preventing the obstruction of streams, creeks, and water-courses, by trees, brushwood, timber, or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise ;

Preventing obstruction of streams, &c.

(2) For levying the amount of such expense in the same manner as taxes are levied ;

Levying expenses.

(3) For imposing penalties on parties causing such obstructions. 29-30 V., c. 51, s. 280.

Penalties.

403. Whenever any stream or creek in any township is cleared of all logs, brush, or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining

When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality through which

stream runs,
requiring them
to remove
obstructions
within their
municipality.

adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality to the satisfaction of any person whom the council of the county in which the municipality whose council served the notice is situate, shall appoint to inspect the same. 34 V., c. 30, s. 14.

DIVISION XI.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

Highways Defined.

What shall
constitute pub-
lic highways.

404. All allowances made for roads by the Crown Surveyors in any town, township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any Statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 29-30 V., c. 51, s. 315.

Freehold in the Crown.

Certain
highways, &c.,
vested in the
Crown.

405. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in Her Majesty, her heirs and successors. 29-30 V., c. 51, s. 316.

Jurisdiction in Councils.

Jurisdiction of
councils over
roads, &c.

406. Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality. 29-30 V., c. 51, s. 317.

Possession in Municipality.

Streets in
cities, towns
and incorpora-
ted villages
vested in
municipalities
subject to
certain rights.

407. Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession or other road within the city, township or town or incorporated village, taken and held possession of by an individual in lieu of a street, road or highway, laid out by him without compensation therefor. 29-30 V., c. 51, s. 338.

408. The councils of every city and town may respectively pass by-laws for acquiring and assuming possession of and control over any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk; and to acquire from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of one hundred feet or less, subject to the provisions of section number three hundred and seventy-three of this Act. 29-30 V., c. 51, s. 339.

Councils may acquire, &c., public highways.

Liability for Repairs.

409. Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained: Provided that this section shall not apply to any road, street, bridge or highway laid out by any private person, and the corporation shall not be liable to keep in repair any such last-mentioned road, street, bridge or highway, until established by by-law of the corporation, or otherwise assumed for public use by such corporation. 34 V., c. 30, s. 5.

Repairing of public roads, &c.

Limitation of actions. Proviso.

What are County Roads.

410. The county council shall have exclusive jurisdiction over all roads and bridges, lying within any township of the county and which the council by by-law assumes as a county road or bridge, until the by-law has been repealed by the council, and over all bridges across streams separating two townships in the county, and over all bridges crossing rivers over two hundred feet in width within the limits of any incorporated village in the county and connecting any highway which is in the continuation of a county road leading through the county, and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie, wholly or in part, within one township. 34 V., c. 30, s. 7.

Exclusive jurisdiction over certain roads by counties.

411. Any county council may assume, make and maintain any township or county boundary line at the expense of the county or may grant such sum or sums from time to time for the said purposes as they may deem expedient. 29-30 V., c. 51, s. 341, sub. 11.

Boundary lines.

As to Improving and Maintaining County Roads.

412. When a county council assumes by by-law any road or bridge within a township as a county road or bridge, the council

Roads assumed by county council are to be plankd,

gravelled, or
macadamized,
&c.

Bridges.

Bridges over
rivers, being
boundaries.

Differences to
be settled by
arbitration.

council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner : and further, the county council shall cause to be built and maintained in like manner all bridges on any river over two hundred feet in width within the limits of any incorporated village in the county necessary to connect any public highway leading through the county, and which is in continuation of a county road.

413. It shall be the duty of county councils to erect and maintain bridges over rivers forming or crossing boundary lines between two municipalities (other than in case of a city or separated town) within the county, and in the case of a bridge over a river forming a boundary line between two counties or a county and a city, such bridge shall be erected and maintained by the councils of the counties or county and city respectively ; and in case the councils of such county and city, or the councils of such counties fail to agree on the respective portions of the expense to be borne by the several municipalities, it shall be the duty of each council to appoint arbitrators as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final. 29-30 V., c. 51, s. 341, sub. 12 ; 34 V., c. 30, s. 13.

Township Roads, and Maintaining.

Boundary lines
not assumed
by county
council.

Township
boundaries,
being also
county bound-
aries.

414. All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils. 29-30 V., c. 51, s. 341, sub. 1.

415. Township boundary lines forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same. 29-30 V., c. 51, s. 341, sub. 7.

Roads under Joint Jurisdiction.

Joint jurisdic-
tion over cer-
tain roads.

416. In case a road lies wholly or partly between a county town, city, township or incorporated village, and an adjoining county or counties, town, city, township or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them, and the said road shall include a bridge forming part of the road. 33 V., c. 26, s. 8.

Both councils
must concur in
by-laws re-
specting them.

417. No by-law of the council of any one of such municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 33 V., c. 26, s. 9.

418.

418. In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 33 V., c. 26, s. 10.

Arbitration if they do not concur.

Transfer of Powers of Justices in Sessions.

419. All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonging to the magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the magistrates would have subjected them to. 29-30 V., c. 51, s. 343.

Certain powers of Justices in Sessions transferred to county councils.

Roads under Board of Works not affected.

420. No council shall interfere with any public road or bridge vested as a provincial work in Her Majesty, or in any Public Department or Board, and the Governor shall by Order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 29-30 V., c. 51, s. 318.

Roads, &c., as provincial works vested in Her Majesty, &c., not to be interfered with.

Proclamation by Governor as to roads, &c. under control of Commissioner of Public Works.

Nor Roads on Dominion Lands.

421. No council shall pass any by-law (1) for stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates became vested under the Statute of the Province of Canada, passed in the nineteenth year of Her Majesty's Reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordnance and Admiralty lands, or by the Dominion of Canada; or (2) for opening any such communication through any lands held by the Dominion of Canada; or (3) interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or (4) interfering with

Ordnance roads, lands, &c., not to be interfered with.

19 V., c. 45, Con. Stat. Can., c. 24.

By-law without consent of Dominion, &c., and not reciting consent to be void.

with any land reserved for military purposes, or with the integrity of the public defences, without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. *Vide* 29-30 V., c. 51, s. 319.

Roads Necessary for Egress, not to be Closed.

Council not to close road required by individuals for ingress, &c.

422. No council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions, or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the council, in addition to compensation, shall also provide for the use of such person some other convenient road or way of access to his said lands or residence. 29-30 V., c. 51, s. 320.

Proviso.

Width of Roads.

Width of roads.

423. No council shall lay out any road or street more than one hundred nor less than sixty-six feet in width, excepting when an existing road or street is widened, or unless with the permission of the council of the county in which the municipality is situate; but any road when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than sixty-six feet, without the consent of the council of the municipality. *Vide* 29-30 V., c. 51, s. 322.

Notices Requisite for By-laws affecting Public Roads.

Conditions precedent to passing by-laws intended to affect public roads.

Notice to be posted up,

and published in newspaper.

Parties prejudicially affected to be heard.

Clerk to give the notices, on payment of expenses.

424. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane;

(1.) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane; and also for permitting subways for cattle under any highway;

(2.) And published weekly for at least four successive weeks in some newspaper (if any there be) published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; and, in either case, in the county town, if any such there be;

(3.) Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

(4.) And the clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. *Vide* 29-30 V., c. 51, s. 323.

425. The council of every county, township, city, town and incorporated village may pass by-laws ; By-laws may be made for—

General Powers.

(1.) For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges or other public communications within the jurisdiction of the council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ; and for preventing and removing any obstruction upon any roads or bridges within its jurisdiction ; 29-30 V., c. 51, s. 333, sub. 1 ; 34 V., c. 30, s. 4. Opening or stopping up roads, &c.

Tolls.

(2.) For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same ; 29-30 V., c. 51, s. 333, sub. 2. Raising money by toll.

(3.) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers ; 29-30 V., c. 51, s. 333, sub. 4. Making regulations as to dangerous places.

Timber, &c., on Road Allowances.

(4.) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriations for a public road ; but this shall be subject to the provisions of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered nineteen, relative to Government road allowances and the granting of Crown timber licenses ; 29-30 V., c. 51, s. 333, sub. 5. For preservation of trees, stone, &c. Proviso.

Permitting Road and Bridge Companies to Make, &c.

(5.) For regulating the manner of granting to road or bridge companies, permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council ; 29-30 V., c. 51, s. 333, sub. 7. Granting privileges to road or bridge companies.

Grant of Tolls.

(6.) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected Granting right to take tolls.

collected ; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair ; 29-30 V., c. 51, s. 333, sub. 9.

Taking Materials.

Searching for
and taking
materials for
roads, &c.

(7.) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such municipality ; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act ; 29-30 V., c. 51, s. 333, sub. 10.

Selling Old Road Allowances.

When the
council may
stop up or sell
a road allow-
ance.

(8.) For selling the original road allowance to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the council ; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. 29-30 V., c. 51, s. 333, sub. 6.

.When a road is
substituted for
an original
allowance,
compensation
to person
whose land is
taken who
owns land
adjoining
original road.

426. In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality upon the report in writing, of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable ; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time

Conveying of
former road
allowance.

Compensation
to party whose
land is taken
who does not
own land
adjoining
original road.

time of the sale owns the land through which the new road passes. 29-30 Vic., c. 51, s. 334.

Possession of Unopened Road Allowances.

427. In case a person be in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or be in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law has been passed for opening such allowance for road by the council having jurisdiction over the same. 29-30 V., c. 51, s. 335.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

Notice of By-laws for Opening such Allowances.

428. No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 29-30 V., c. 51, s. 336.

Notice of by-law to be given.

Aiding in making Roads and Bridges.

429. The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining municipality. 32 V., c. 43, s. 20.

By-laws to aid adjoining municipality to open roads, &c.

430. The municipal council of every township, city, town and incorporated village may pass by-laws ;

By-laws may be made for—

(1.) For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality ;

Aiding counties in making roads and bridges.

(2.) For entering into and performing any arrangement with any other council in the same county or united counties for executing at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 29-30 V., c. 51, s. 337.

Joint works with other municipalities.

Repair of Township Roads—how Enforced.

431. Whenever township councils fail to maintain township boundary lines not assumed by the county council, in the same way as other township roads by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested. 29-30 V., c. 51, s. 341, sub. 2.

If any township council fails to perform its duty.

432. In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. 29-30 V., c. 51, s. 341, sub. 3.

Duty of county councils on petition.

433. A county council receiving such petition, either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. 29-30 V., c. 51, s. 341, sub. 4; 33 V., c. 26, s. 16.

Amount, &c., to be furnished by each township.

434. The county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road or to direct the expenditure of a certain proportion of statute labour, or both, as may seem necessary to make the said lines of road equal to other local roads. 29-30 V., c. 51, s. 341, sub. 4; 33 V., c. 26, s. 16.

Commissioners to enforce order of county council as to such roads.

435. It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads; Provided always, that if the representatives of any or all of the townships interested shall intimate to the council or to the commissioner or commissioners so appointed, their intention to execute the work themselves, then such commissioner or commissioners shall delay proceedings for a reasonable time; but if the work be not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. 29-30 V., c. 51, s. 341, sub. 5.

Proviso.

Sums determined upon to be paid by townships.

436. Any sum of money so determined upon by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township; but if there be not at any time before the striking of a county rate any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. 29-30 V., c. 51, s. 341, sub. 6.

When the several townships interested cannot agree.

Wardens to be arbitrators.

437. Whenever the several townships interested in the whole or part of any county boundary line road, are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties, to determine jointly the amount which each township shall be required

required to expend either in money or statute labour, or both, and the mode of expenditure on such road; the county judge of the county in which the township first making the application is situate shall, in all cases, be the third arbitrator when such wardens are unable to agree. 29-30 V., c. 51, s. 341, sub. 8. County judge also.

438. It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter in dispute; the warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the warden of the other county and county judge of the time and place of meeting, within eight days of the time of his receiving such application. 29-30 V., c. 51, s. 341, sub. 9. Meeting of wardens.

Who to convene, &c.

439. At such meeting, the wardens and county judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work; and it shall be the duty of the township treasurer to pay the orders of such commissioners to the extent of the sum apportioned to each; and path-masters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such commissioner or commissioners in performing the statute labour unexpended. 29-30 V., c. 51, s. 341, sub. 10. What the wardens and county judge shall determine, &c.

Powers of County Councils.

440. The council of every county shall have power to pass by-laws for the following purposes; By-laws for—

Closing Road Allowances.

(1.) For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to the four hundred and twenty-fourth section of this Act; 29-30 V., c. 51, s. 344, sub. 1. Disposing of original allowance for roads in certain cases.

Opening and Altering Roads.

(2.) For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications, running or being within one or more townships, or between two or more townships of the county, or any bridge required to be built or made across any river over two Opening, &c., roads, &c., within or between several municipalities.

two hundred feet in width within any incorporated village in the county connecting any public highway leading through the county, and which is in continuation of a county road, or between the county, and any adjoining county or city or separated town, or on the bounds of any town or incorporated village, within the boundaries of the county, as the interests of the inhabitants of the county, in the opinion of the council, require to be so opened, made, preserved and improved, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained; 29-30 V., c. 51, s. 344, sub. 3; 34 V., c. 30, s. 9.

Trees obstructing Highways.

May direct the trees to be cleared on each side of highways.

(3.) For directing that, on each and either side of a highway (under the jurisdiction of the council) passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter), shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and may further pay such expenses out of county funds; 29-30 V., c. 51, s. 344, sub. 5.

Aiding Townships, &c.

For aiding the making of roads and bridges.

(4.) For granting to any town, township, or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township, or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work, and also for guaranteeing the debentures of any municipality within the county, as the council may deem expedient; 29-30 V., c. 51, s. 344, sub. 6.

Guaranteeing debentures of local municipalities opening roads in local municipalities.

(5.) For requiring that the whole or any part of any county road within any local municipality shall be opened, improved and maintained by such local municipality.

Powers of Township Councils.

By-laws for—

441. The council of every township may pass by-laws;

Aiding Counties.

Aiding adjoining county

(1.) For granting to any adjoining county aid in making, opening,

opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid to the county in which the township lies in respect of any highway, road, street, bridge, or communication within the township assumed by the county as a county work, or agreed to be so assumed on condition of such grant; 29-30 V., c. 51, s. 345, sub. 1.

in making roads, &c., and granting aid to county for roads assumed by county.

Closing Road Allowances.

(2.) For the stopping up and sale of any original allowance for road or any part thereof within the municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed; but no such by-law shall have any force, (1) unless passed in accordance with the four hundred and twenty-fourth section of this Act, nor, (2) until confirmed by a by-law of the council of the county in which the township is situate at an ordinary session of the county council, held not sooner than three months, nor later than one year next after the passing thereof; 29-30 V., c. 51, s. 345, sub. 2.

Stopping up and sale of original road allowance. Proviso.

Trees Obstructing Highways.

(3.) For directing that, on each or either side of a highway (under the jurisdiction of the council) passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and may grant out of township funds any money that may be necessary to pay for the cutting down and removing such trees; 29-30 V., c. 51, s. 345, sub. 3 & 4.

Ordering trees to be cut down, on each side of a road.

Foot Paths.

(4.) For setting apart so much of any highway as they may deem necessary for the purposes of a foot path, and for imposing penalties on persons travelling thereon on horseback or in vehicles. 33 V., c. 26, s. 11.

Foot-paths.

Selling Minerals.

442. The corporation of any township or county, wherever minerals are found, may sell, by public auction or otherwise, the right to take minerals found upon or under any roads over which

Sale of mineral rights under roads.

Proviso.

which said township or county may have jurisdiction, if considered expedient so to do; Provided always, that no such sale shall take place until after due notice of such intended by-law has been posted up, in six of the most public places in the immediate neighbourhood of such road, for, at least, one month previous to the time fixed for considering such by-law; Provided also, that the deed of conveyance to the purchaser or purchasers, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. 31 V., c. 30, s. 37.

Proviso.

Sale of Roads in Villages or Hamlets.

When roads in police villages and certain hamlets may be stopped up, sold, &c., by township councils.

443. In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet not being a police village, is accompanied by a certificate from the registrar of the county within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. 29-30 V., c. 51, s. 346.

When village is partly in each of two townships.

444. The last section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. 29-30 V., c. 51, s. 347.

Registration of By-laws for opening Roads.

By-laws under which roads are opened on private property to be registered.

445. All by-laws hereafter to be passed by any municipal council under the authority of which any street, road or highway shall be opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the county where the land is situate, and for the purpose of registration a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof; and all by-laws heretofore passed, and all orders and resolutions of the quarter sessions heretofore passed, under the authority of which any street, road or highway has

As to by-laws already passed.

already

already been opened upon any private property, may at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production to the registrar of a duly certified copy of such by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such quarter sessions, given under the hand of the clerk of the peace (as the case may be). 29-30 V., c. 51, s. 348.

In Disputes respecting Roads—who to Administer Oaths.

446. In case of disputes in any municipality, concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 29-30 V., c. 51, s. 324.

Power to administer oaths in certain cases.

DIVISION XII.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

Local drainage, by-laws, and funds for. Sec. 447, 448.

Complaints respecting assessments, how tried. Sec. 449.

Quashing by-laws, limitations respecting. Sec. 450.

Extension of works to other municipalities. Sec. 451.

Mode of apportioning cost. Sec. 452-458.

Who to keep in repair. Sec. 459-461.

Drainage done by works. Sec. 462.

Drainage by private persons. Sec. 463.

Local improvements and drainage for same, Sec. 464-467.

Sweeping, watering and lighting. Sec. 468.

Special rates by County Councils for local improvements in Townships. Sec. 469, 470.

447. In case the majority in number of the owners, as shown by the last revised assessment roll to be resident on the property to be benefited in any part of any township, city, town or incorporated village, do petition the council for the deepening of any stream, creek, or water-course, or for draining of the property (describing it), the council may procure an examination to be made by an engineer or provincial land surveyor, of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or surveyor, and an assessment to be made by such engineer or surveyor of the real property to be benefited by such deepening or drainage, stating as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived by such deepening or drainage by every

Municipal Councils may pass by-laws for deepening streams, &c., drainage, &c.

Examination by engineer.

Plans and estimates.

every road and lot, or portion of lot; and if the council be of opinion that the deepening of such stream, creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws;

**For deepening
streams and
drainage.**

(1.) For providing for the deepening of the stream, creek, or water-course, or the draining of the locality;

**For borrowing
requisite
funds, &c.**

(2.) For borrowing, on the credit of the municipality, the funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less than one hundred dollars each and payable within fifteen years from date, with interest at a rate of not less than five per centum per annum;

**For levying
rate for pay-
ment.**

(3.) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, (including roads held by joint stock companies or private individuals,) as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality: Provided always, that

Proviso.

any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced; And provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining under this section, unless such agreement shall in express terms mention or refer to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase;

**For providing
how assess-
ment be paid.**

(4.) For regulating the times and manner in which the assessment shall be paid;

**For ascertain-
ing the pro-
perty liable to
the rate.**

(5.) For determining what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of overcharge, or of undercharge of any other property assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaint, and appeal therefrom, in like manner as nearly as may be as on proceedings for the trial of complaints, as set forth in the sixtieth, sixty-first, sixty-third, sixty-fifth, sixty-six, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of "The Assessment Act of 1869;"

**32 V. (Ont.),
c. 36.**

(6.) Trial of such complaints shall be had in the first instance

tance by and before a court of revision, which the council shall, from time to time as occasion may require, hold, on some day not earlier than twenty nor later than thirty days from the day on which the by-law shall be first published, notice of which shall be published with the by-law during the first three weeks of its publication ; and such court shall be constituted and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the said assessment Act ; and in case of appeal to the judge, junior or acting judge of the county court, he shall have the same powers and duties, and the clerks of the municipality and division court respectively shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive, of such Act. 35 V., c. 26, ss. 1 & 2.

Court of
Revision to
have primary
jurisdiction.

Appeal to
County Judge.

448. Such by-law shall (*mutatis mutandis*) be in the form or to the effect following :—

A by-law to provide for draining parts of (or for the deepening of in, as the case may be) the Township of and for borrowing, on the credit of the municipality, the sum of for completing the same. Form of by-law.

Provisionally adopted, the day of , A.D.

Whereas a majority in number of the owners as shewn by the last revised assessment roll to be resident on the property hereinafter set forth, to be benefited by the drainage (or deepening, as the case may be), have petitioned the council of the said Township of , praying that (*here set out the purport of the petition, describing generally the property to be benefited*)

And whereas, thereupon the said council procured an examination to be made by being a person competent for such purpose, of the said locality proposed to be drained (or the said stream, creek or watercourse proposed to be deepened, as the case may be), and has also procured plans and estimates of the work to be made by the said and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, as the case may be), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (or deepening, as the case may be), by every road and lot or portion of lot, the said assessment so made, and the report of the said in respect thereof, and of the said drainage (or deepening, as the case may be) being as follows : (*here set out the report and assessment of the engineer or surveyor employed.*)

And whereas, the said council are of opinion that the drainage of the locality described (or, the deepening of such stream, creek or water-course, as the case may be) is desirable :

Be it therefore enacted by the said Municipal Council of the said Township of , pursuant to the provisions of an Act of the Legislature of Ontario, passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-eight.

1st. That the said report, plans and estimates be adopted, and the said drain (or deepening, as the case may be) and the works

works connected therewith, be made and constructed in accordance therewith.

2nd. That the reeve of the said township may borrow on the credit of the corporation of the said Township of the sum of _____, being the funds necessary for the work, and may issue debentures of the corporation to that amount, in sums of not less than one hundred dollars each, and payable within _____ years from the date thereof, with interest at the rate of _____ per centum per annum, that is to say, in (*insert the manner of payment, whether in annual payments or otherwise*) such debentures to be payable at _____, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of (*four hundred and seventy-five dollars,*) being the amount charged against the said lands so to be benefited as aforesaid, other than lands (*or roads, or lands and roads*) belonging to the municipality, and to cover interest thereon for _____ years, at the rate of (*five*) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into

equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for _____ years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
			\$ cts.			
	S $\frac{1}{2}$ 5	200	75 00			
	S $\frac{1}{4}$ 6	100	50 00			
	N $\frac{1}{4}$ 6	50	30 00			
	S W $\frac{1}{2}$ 8	100	80 00			
	9	200	150 00			
10	S $\frac{1}{2}$ and N $\frac{1}{4}$ 10	150	90 00			
			475 00			
Chargeable to Municipality for roads (<i>or lands, or roads and lands</i>).....			120 00			
			595 00			

4th. For the purpose of paying the sum of *one hundred and twenty dollars*, being the total amount assessed as aforesaid against the said roads (*or lands, or roads and lands*) of the said municipality, and to cover interest thereon for _____ years at the rate of (*five*) per cent. per annum, a special rate of _____ in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of _____, in each year for _____

for the period of _____ years, after the date of the final passing of this by-law, during which the said debentures have to run.

In the event of the assessment being altered by the court of revision or judge, the by-law shall, before being finally passed, be amended so as to correspond with such alteration by the court of revision or judge (*or as the case may be*). Amendment
by-law.

449. Before the final passing of the by-law it shall be published once or oftener in every four weeks in some newspaper in the municipality, or, if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof, quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer, and upon the clerk of the municipality, of his intention to make application for that purpose to one of Her Majesty's superior courts of law at Toronto, during the term next ensuing the final passing of the by-law, and the council shall, at least three weeks before the final passing of the by-law, post up conspicuously a copy thereof, and of the said notices, at four or more of the most public places of the municipality. 35 V., c. 26, s. 3. Before final
passing by-law
to be publish-
ed.

Also notice as
to when and
how proceed-
ings to quash
to be taken.

Copy of by-
law and no-
tices to be
posted up.

450. In case no such notice of intention to make application to quash a by-law be served within the time limited for that purpose in the preceding section, the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law. If no applica-
tion to quash
made in time
specified, by-
law to be valid,
notwithstand-
ing defects.

451. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced. 35 V., c. 26, s. 5. When work
may be ex-
tended beyond
limits of
municipality.

452. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or surveyor aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between two or more municipalities, then the engineer or surveyor aforesaid, shall charge the lands to be so benefited, and the corporation, person or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or company. 35 V., c. 26, s. 6. When lands,
&c., in adjoining
municipal-
ity may be
charged
though works
not carried
into such
municipality.

Report as to
which munici-
pality to bear
expense.

453. The engineer or surveyor aforesaid shall determine and report to the council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion. 35 V., c. 26, s. 7.

Plans, &c.

454. The engineer or surveyor aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein. 35 V., c. 26, s. 8.

Council of
municipality
wherein work
begun to
notify munici-
pality to be
benefited.

455. The council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or surveyor aforesaid, when necessary, so far as they affect such last-mentioned municipality; and unless the same is appealed from as hereinafter provided, it shall be binding on the council of such municipality. 35 V. c. 26, s. 9.

Municipality
so notified
shall proceed
to raise neces-
sary amounts.

456. The council of such last mentioned municipality shall within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators in the same manner and without such other provisions as would have been proper as if a majority of the owners resident on the lands to be taxed had petitioned as provided in the four hundred and forty-seventh section of this Act. 35 V., c. 26, s. 10.

But such
municipality
may appeal.

457. The council of the municipality into which the deepening or drainage is to be continued, or whose lands, road, or roads are to be benefited without the deepening or drainage being carried within its limits, may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice. 35 V., c. 26, s. 11.

Proceedings
thereon.

Arbitrators
shall be
appointed, &c.

458. The arbitrators shall be appointed by the parties in manner hereinbefore provided by the sections of this Act, with reference to arbitration, and shall proceed as therein directed; Provided always, that in no case shall the engineer or surveyor

veyor employed to make surveys, plans and specifications be appointed or act as arbitrator. *Vide* 35 V., c. 26, ss. 11-15.

459. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators, (*as the case may be*) or until otherwise determined by the engineer or arbitrators, under the same formalities as nearly as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the engineer or surveyor, may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued by any court of competent jurisdiction to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal. 35 V., c. 26, s. 16.

Each municipality to contribute to maintaining such deepening or drainage in proportions fixed by engineer.

Provision for case of neglect, &c.

Liability for damage.

460. In any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such deepening or drainage, it shall be the duty of the municipality, making such deepening and drainage, to preserve, maintain, and keep in repair the same at the expense of the lots, parts of lots and roads as the case may be, as agreed upon and shown in the by-law when finally passed: Provided always, that the council may, from time to time, change such assessment on the report of an engineer or surveyor, appointed by them to examine and report on such drain, deepening and repairs, subject to the like rights of appeal as the persons charged would have in the case of an original assessment. *Vide* 35 V., c. 26 s. 16.

When works not extended beyond limits of municipality commencing same, &c., or do not benefit any other municipality, works to be maintained by municipality commencing same.

Proviso.

461. Should a drain already constructed, or hereafter constructed, by a municipality, be used as an outlet, or otherwise by another municipality, company, or individual, such municipality, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer, surveyor, or arbitrators under the formalities provided in the preceding sections. 35 V., c. 26, s. 17.

Case of a drain being used by another municipality.

462. Should any dispute arise between individuals, or between individuals and a municipality, or company, or between a company and municipality, or between municipalities, as to damages alleged to have been done to the property of any municipality,

Disputes as to damage done by works to be referred to arbitration.

municipality, individual, or company, in the construction of drainage works, or consequent thereon, then the municipality, company, or individual complaining, may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties.

Provisions as to private persons carrying under-drains into adjoining lots or across highways, &c.

463. In case any person should find it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality, refuse to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly-mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot, or municipality, the same shall be determined by the fence viewers, in the same manner as disputes within the Fence Viewers Act, and their award shall be final.

City, town and village councils may make by-laws for—

Ascertaining the real property to be benefited by a local improvement, &c.

Appeal.

464. The council of every city, town, and incorporated village may pass by-laws for the following purposes;

(1.) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefited; subject in every case to an appeal to the judge of the county court, in the same manner and on the same terms, as nearly as may be, as an appeal from the court of revision in the case of an ordinary assessment; 29-30 V., c. 51, s. 301, sub. 1; 31 V. c. 30, s. 35; 34 V., c. 30, s. 10.

Assessing and levying upon real property benefited by certain public works undertaken on a petition, &c.

Annual rate.

(2.) For assessing and levying upon the real property to be immediately benefited by the making, enlarging, or prolonging of any common sewer, or the opening, widening, prolonging, or altering, macadamizing, grading, levelling, paving or plank-ing of any street, lane, or alley, public way or place, or of any sidewalk, or any bridge forming part of a highway therein, on the petition of at least two-thirds in number and one-half in value of such real property, of the owners of such real property, a special rate, sufficient to include a sinking fund, for the repayment of debentures which such councils are hereby authorized to issue in such cases respectively, on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same; by an annual rate in the dollar on the real property so benefited, according to the value thereof, exclusive of improvements; 29-30 V., c. 51, s. 301, sub. 2; 34 V., c. 30, s. 11.

Regulating time and manner of

(3.) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and

and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums; 29-30 V., c. 51, s. 301, sub. 3.

(4.) For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected. If funds furnished by parties. 29-30 V., c. 51, s. 301, sub. 4.

465. No such local improvement as aforesaid shall be undertaken by the council, (unless as provided in the next section,) except under a by-law passed in pursuance of the fourth subsection of the preceding section, otherwise than on the petition of two-thirds in number and one-half in value of the owners of the real property to be directly benefited thereby; the number of such owners, and the value of such real property having been first ascertained, and finally determined in the manner and by the means provided by by-law in that behalf; and if the contemplated improvement be the construction of a common sewer having a sectional area of more than four feet, one third of the cost thereof shall also first be provided for by the council of the city, by by-law for borrowing money, which every such council is hereby authorized to pass for such purpose, or otherwise. 29-30 V., c. 51, s. 302.

Conditions precedent to undertaking any such public works.

Further conditions as to sewers.

466. In cases where the council of any city, town or incorporated village shall decide to contribute at least half of the cost of such local improvement it shall be lawful for the said council to assess and levy in manner hereinbefore provided by the four hundred and sixty-fourth and four hundred and sixty-fifth sections of this Act from the owners of real property to be directly benefited thereby the remaining portion of such cost without petition therefor, unless the majority of such owners representing at least one half in value of such property shall within one month after the publication of a notice of such proposed assessment in at least two newspapers, published in such city, town or incorporated village if there be two newspapers published therein, and if there be not, then in two newspapers published nearest the proposed work, petition the council against such assessment. 34 V., c. 30, s. 12.

In certain cases petitions may be dispensed with.

Proviso for.

467. Nothing contained in the three next preceding sections of this Act shall be construed to apply to any work of ordinary repair or maintenance; and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way or place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under the said sections of this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the city generally. 29-30 V., c. 51, s. 306.

Certain sections not to apply to certain works.

468. The council of every city, town and incorporated village may pass by-laws for raising, upon the petition of at least two-thirds Lighting, watering and sweeping streets.

thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, according to the frontage thereof, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein; but the council may charge the general corporate funds with the expenditure incurred in such making or repairing, or in such sweeping, watering or lighting as aforesaid; and the council may, also, by by-law, define certain areas or sections within the municipality in which the streets should be watered, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in watering such streets. 29-30 V., c. 51, s. 340, sub. 2.

Local rates for
special improve-
ments.

469. The council of every county shall have power to pass by-laws for levying by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more especially benefited; Provided that the provisions of this subsection shall not be held to apply to any road, bridge or other public work within the limits of any town or incorporated village municipality. 29-30 V., c. 51, s. 344, sub. 6.

Proceedings to
obtain a by-
law for such
improvements.

470. No by-law under the last preceding section, shall be passed, except--(1.) Upon a petition signed by at least two-thirds of the electors who shall be rated for at least one-half of the value of the property within those parts of such townships which are to be affected by the by-law; (2.) Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper, if any there be published in the county town or if there be no such newspaper, then in the two newspapers published nearest the proposed work. 29-30 V., c. 51, s. 344, sub. 7.

DIVISION XIII.—POWERS OF MUNICIPAL COUNCILS AS TO
RAILWAYS.

Aiding by taking stock, loan, guarantee, or bonus. Sec. 471, 472.

How By laws in aid submitted. Sec. 473.

Provisions of By-laws. Sec. 474.

Head of Council to be a Director ex-officio. Sec. 475.

May permit railways to pass along highways, &c. Sec. 476.

471. The council of every township, county, city, town and incorporated village, may pass by-laws :— By-laws may be made for—

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which the eighteenth section of the Statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act) or the sections of the Consolidated Statute of Canada respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act ; 29-30 V., c. 51, s. 349, sub. 1. Taking stock in certain railways or guaranteeing debentures.

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted ; 29-30 V., c. 51, s. 349, sub. 2. For guaranteeing the payment of debentures, &c.

(3.) For issuing, for the like purpose, debentures payable at such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the municipal council may think meet ; 29-30 V., c. 51, s. 349, sub. 3. For issuing debentures, &c.

(4.) For granting bonuses to any railway company in aid of such railway and for issuing debentures in the same manner as is in the preceding sub-section provided for raising money to meet such bonuses ; 34 V., c. 30, s. 6. Bonuses.

(5.) For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively ; but no municipal corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof shall receive the assent of the electors of the municipality in manner provided by this Act. 29-30 V., c. 51, s. 349, sub. 4. Form of debenture.

472. Any municipality or any portion of any municipality which may be interested in securing the construction of a railway or through any part of which or near which the railway or works of any railway company shall pass or be situated, may aid or assist such company by loaning or guaranteeing or giving money by way of bonus or other means to the company, Municipalities may give aid towards construction of railway to pass through or near same.

Proviso.

or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipality shall think expedient; Provided always that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of section two hundred and thirty-one of this Act. *Vide 34 V., c. 43, s. 19.*

Mode of submitting such by-laws.

473. Such by-laws shall be submitted in manner following, namely:—

(1.) In the case of a county municipality by the county council on a petition of a majority of the reeves and deputy-reeves, or of two hundred resident freeholders who may be duly qualified voters under the Municipal Act;

(2.) In the case of other municipalities and of sections of such municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident freeholders being duly qualified voters as aforesaid;

(3.) And in the case of municipalities, or portions of municipalities which form part of a county municipality, by the council of such county municipality on the petition of fifty resident freeholders who are duly qualified voters as aforesaid. *Vide 35 V., c. 60, s. 5.*

Provisions of such by-laws.

474. Such by-laws shall provide:—

(1.) For raising the amount so petitioned for, repayable within twenty years by annual instalments of principal with interest, in the meantime payable yearly or half-yearly, and for the issue of debentures for such instalments and interest, and for delivery to the trustees of the debentures for the amount of such instalments with interest, at the times and on the terms specified in the petition; which debentures the municipal councils and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such case, respectively;

(2.) For assessing and levying upon all the ratable property lying within the section or sections defined by the petition, an annual special rate, as nearly equal as may be sufficient for the repayment of the debentures and interest, as the same become due and payable; and in case the debt incurred for said aid is not repayable by instalments, then sufficient to provide a sinking fund for the redemption thereof. *Vide 35 V., c. 60, s. 6.*

In certain cases, head of council to be *ex-officio* a director.

475. In case any municipal council subscribes for and holds stock in a railway company, under section four hundred and seventy-one, to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. *29-30 V., c. 51, s. 351.*

476. The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in the Consolidated Railway Act, and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tram and other railways along any highway on such terms and conditions as the council shall see fit. 29-30 V., c. 51, s. 352; 33 V., c. 26, s. 12.

By-laws
authorizing
branch rail-
ways.

Also tram and
other railways
along high-
ways.

PART VIII.

POLICE VILLAGES.

DIV. I.—FORMATION OF.

DIV. II.—TRUSTEES AND ELECTION ON.

DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

Existing continued. Sec. 477.

New—how formed. Sec. 478.

477. Every existing police village shall continue to be a police village, with the boundaries then established. 29-30 V. c. 51, s. 1.

Existing
police villages
continued

478. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate, may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. 29-30 V., c. 51, s. 9.

New police
villages.

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

Existing Trustees continued. Sec. 479.
Trustees three in number. Sec. 480.
Qualification required for. Sec. 481, 482.
Electors, who are. Sec. 483.
Election, where to be held. Sec. 484, 485.
Returning Officer, how appointed. Sec. 485.
No Election in a Tavern. Sec. 486.
Nomination, how conducted. Sec. 487, 488.
Election, how conducted. Sec. 489–495.
Tenure of office. Sec. 496.
Poll books to be returned. Sec. 497.
Proceedings were not specially for. Sec. 498.
Powers of returning officer. Sec. 499.
Vacancies, how filled. Sec. 500.
Inspecting Trustee, how appointed. Sec. 501.

Present trustees continued. **479.** The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. 29–30 V., c. 51, s. 2.

Number of Trustees. **480.** The trustees of every police village shall be three in number. 29–30 V., c. 51, s. 68.

Qualification of Trustees. **481.** The persons qualified to be elected police trustees are such persons as reside within the police village or within two miles thereof, as are eligible to be elected township councillors, and as are qualified in respect of property for which they are rated in such police village to the amount required so to qualify them. 29–30 V., c. 51, s. 70

Deficiency in number of qualified persons. **482.** If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. 29–30 V., c. 51, s. 72.

Qualification of electors. **483.** Any township elector, rated on the last assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township shall be entitled to vote at the election for police trustees. 31 V., c. 30, ss. 9 & 10.

Place for holding first election, &c. **484.** The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and the returning officer therefor. 29–30 V., c. 51, ss. 86 & 96.

Place for holding subsequent elections. **485.** In a police village, after the first election, the trustees thereof,

thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places, within such village, for holding nominations and elections. 29-30 V., c. 51, s. 96, sub. 2.

486. No election of police trustees shall be held in a tavern or in a house of public entertainment licensed to sell spirituous liquors. 29-30 V., c. 51, s. 82.

quent elections, &c.
No elections to be in taverns.

487. A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon, on the last Monday in December, annually, at such place therein as shall from time to time be fixed by the trustees. *Vide* 29-30 V., c. 51, s. 100.

Nomination meeting.

488. The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. *Vide* 29-30 V., c. 51, s. 100, sub. 1.

Who to preside.

489. If only three candidates shall be proposed and seconded, the returning officer or chairman shall, after the lapse of one hour, declare such candidates duly elected. 29-30 V., c. 51, s. 100, sub. 2.

If no more candidates than officers.

490. If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. *Vide* 29-30 V., c. 51, s. 100, sub. 3. 31 V., c. 30, s. 13. 33 V., c. 26, s. 3.

If more and poll demanded.

Election.

491. The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the male freeholders and householders such as is required to be furnished under the next section. *Vide* 29-30 V., c. 51, s. 100, sub. 4.

Notice of persons proposed, to be posted.

List of voters to be obtained.

492. The clerk of the township, or clerks of the townships, in which any police village is situated, shall, at latest, on the day previous to the day for opening the poll, deliver to the returning officer of such police village a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property, lying in the police village, or the portion thereof in the municipality of such clerk, to the amount required to qualify them

Clerk of township to furnish alphabetical list of voters.

List to be
attested by
declaration.

them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand. *Vide* 29-30 V., c. 51, s. 100, sub. 5.

Poll books.

493. The returning officer shall, previous to the opening of the poll, procure a poll-book, and he shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. *Vide* 29-30 V., c. 51, s. 100, sub. 6.

How kept.

Summing up
votes.

494. The returning officer shall add up the votes set down for each candidate on the poll-book, and ascertain the aggregate number of votes, and shall, on the day following the election, put up in the same place as the nominations were posted, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, showing the successful candidates. *Vide* 29-30 V., c. 51, s. 100, sub. 7 & 8. 31 V., c. 30, s. 14.

Declaring
state of poll
and candidates
elected.

Casting vote
in case of ties.

495. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the clerk shall not vote at any such election. *Vide* 29-30 V., c. 51, s. 100, sub. 9.

Term of office.

496. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 33 V., c. 26, s. 3.

Returning-
officer to return
poll-book to
clerk of town-
ship, verified
under oath.

497. Every returning officer shall, on the day after the close of the poll, return the poll-book to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any justice of the peace for the county or union of counties in which the village may lie, as to the due and correct taking of the votes. *Vide* 29-30 V., c. 51, s. 100, sub. 7; 31 V., c. 30, s. 14.

Except where
otherwise pro-
vided, same
proceedings,
&c., to be had
as at elections,
&c., of council-
lors, &c.

498. The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed be absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices shall apply and be acted on, unless where a different provision is herein made, in the election of police trustees. *New.*

499. The returning officer shall have the like powers for the preservation of the peace as are heretofore given to returning officers at municipal elections. *New.* Powers of returning officers.

500. In case of any vacancy in the office of a police trustee, by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. 29-30 V., c. 51, s. 309. Filling vacancies.

501. The trustees of every police village, or any two of such trustees shall, by a writing under their hands to be filed with the clerk of the township, or in case the village lies in several townships with the clerk of the county, appoint one of their number to be inspecting trustee. 29-30 V., c. 51, s. 308. Appointment of inspecting trustees.

DIVISION III.—DUTIES OF POLICE TRUSTEES.

Oaths of Office, and qualification. Sec. 502.

First Meeting of. Sec. 503.

Expenses of, how provided for. Sec. 504-507.

Health Officers, Trustees to be. Sec. 508.

Regulations to be enforced by. Sec. 509.

Penalties for breach, how recovered. Sec. 510.

Neglect of Duty by Trustees, how punishable. Sec. 511.

Limitation of Suits for Penalties. Sec. 512.

502. Every police trustee shall take oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. 29-30 V., c. 51, s. 178. Oaths of office and qualification.

503. The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. 29-30 V., c. 51, s. 133. When first meeting to be held.

504. The trustees at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated, to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. *New.* Expenditure, how provided for.

505. In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each Where village in two or more townships.

each township, as shown by the last equalized assessment rolls.
New.

Payment of
orders given
by trustees, &c.

506. The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated pay any order given in favour of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. *New.*

When orders
may be given.

507. No trustee shall give any such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. *New.*

Trustees to be
health officers.

508. The trustees of every police village shall be health officers within the police village, under the Consolidated Statute for Upper Canada, respecting Public Health, and under any other Act that may be passed for the like purpose. 29-30 V., c. 51, s. 313.

Following
regulations to
be enforced.

509. The trustees of every police village shall execute and enforce therein the regulations following:—29-30 V., c. 51, s. 314.

Prevention of Fire.

For providing
ladders, &c.

(1.) Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues;

Penalty.

Fire buckets.

Penalty.

(2.) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient;

As to furnaces,
&c.

(3.) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance;

Penalty.

Stove pipes,
&c.

(4.) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto: and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of two dollars;

Penalty.

Lights in
stables, &c.

Penalty.

(5.) No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of one dollar;

Chimneys.

(6.) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in

in a stove of iron or other metal, properly secured, under a Penalty.
penalty of one dollar ;

(7.) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden, or other place, without having such fire confined in some copper, iron, or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence ;

Securing fire
carried
through
streets, &c.
Penalty.

(8.) No person shall light a fire in a street, lane or public place, under a penalty of one dollar ;

Fire in streets.
Penalty.

(9.) No person shall place hay, straw or fodder, or cause the same to be placed in a dwelling-house, under a penalty of one dollar for the first offence, and of five dollars for every week the hay, straw or fodder is suffered to remain there ;

Hay, straw,
&c.
Penalty.

(10.) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders, in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar ;

Ashes, &c.

Penalty.

(11.) No person shall place or deposit any quick or unslaked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire ;

Lime.
Penalty.

(12.) No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars ;

Charcoal
furnaces.
Penalty.

Gunpowder.

(13.) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence ;

Gunpowder,
how to be
kept.
Penalty.

(14.) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence ;

Not to be sold
at night.
Penalty.

Nuisances.

(15.) No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him. 29-30 V., c. 51, s. 314, sub. 1-15.

Certain
nuisances
prohibited.

510. The inspecting trustee, or in his absence, or when he is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a justice of the peace having jurisdiction in the village and residing therein, or within five miles thereof ;

Who to sue for
penalties.

And before
whom.

or

Conviction ?
and levy of
penalty.

or if there be none such, then before any justice of the peace having jurisdiction in the village; and the justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty with or without costs as he may see fitting to be levied by distress and sale of the goods of the offender, to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. 29-30 V., c. 51, s. 312.

Penalty for
breach of duty,
by Trustees.

511. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. 29-30 V., c. 51, s. 310.

When prosecu-
tions to be
commenced.

512. The penalties prescribed by the preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. 29-30 V., c. 51, s. 311.

CONFIRMING AND SAVING CLAUSES.

Exceptions
from repeal.

29-30 Vic.,
c. 51, s. 423.

513. Nothing herein contained shall be taken or construed to affect or repeal the four hundred and twenty-third section of an Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of her present Majesty, chaptered fifty-one, which enacts, that "so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen; and also so much of Schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force." 29-30 V., c. 51, s. 423.

514. Nothing herein contained shall affect the Acts of this Province passed respectively in the thirty-third and thirty-fifth years of the reign of her present Majesty for establishing Municipal Institutions in the Districts of Algoma, Parry Sound, Muskoka, Nipissing and Thunder Bay, but the same shall be construed as if the provisions of the Acts herein referred to remained unrepealed, and as if this Act had not been passed.

New.

33. Vic. (Ont),
c. 24 (*Parry Sound*).
33 Vic. (Ont),
c. 25 (*Algoma*).
35 Vic. (Ont.),
c. 37 (*Parry Sound, Muskoka, Nipissing and Thunder Bay*.)

515. The Acts and parts of Acts inconsistent with the provisions of this Act, relating to the Municipal Institutions of Ontario, excepting special Acts which have been enacted to confer specific powers on certain municipalities, are hereby repealed; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

New.

Inconsistent enactments repealed.
Exception.

CAP. XLIX.

An Act to organize the Municipality of the District of Muskoka for certain purposes.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The inhabitants of the following townships are hereby constituted township corporations, namely, the inhabitants of Medora and Wood, under the name of "The corporation of the united Townships of Medora and Wood;" of McLean and Ridout, under the name of "The corporation of the united Townships of McLean and Ridout;" of Stisted, Chaffey, Brunel and Franklin, under the name of "The corporation of the united Townships of Stisted, Chaffey, Brunel and Franklin;" and of Humphrey, under the name of "The corporation of the Township of Humphrey;" and the said united townships and the said Township of Humphrey are hereby erected into township municipalities.
2. The said corporations shall have all the rights, powers, liabilities and incidents of township corporations, and the municipal and assessment laws of Ontario, for the time being, relating to townships and township councils, shall apply to the said

Erection of certain townships into municipalities

Rights and liabilities of township corporations.

said municipalities and to the corporations hereby constituted, and the councils thereof, except where inconsistent with this Act.

Nomination
for first
election.

3. The nomination for the first election of reeves and councillors shall take place on the first day of May next, at the hour of noon, at the following places :

For the Township of Humphrey, in the Orange Hall at Ashdowne ;

For the United Townships of Medora and Wood, in the Orange Hall at Port Carling, in Medora ;

For the United Townships of McLean and Ridout, at the saw mill of John Bunsen McLean ;

For the United Townships of Stisted, Chaffey, Brunel and Franklin, at the Orange Hall at Huntsville, in Chaffey.

First election.

4. That said election shall be held on the eighth day of May next, at the places fixed as aforesaid for the nominations, and the following persons are hereby appointed returning officers at the said nominations and elections :

For the Township of Humphrey, Ebenezer Sirrett, the younger ;

For the United Townships of Medora and Wood, George C. Hazlewood ;

For the United Townships of McLean and Ridout, Robert K. Johns.

For the United Townships of Stisted, Chaffey, Brunel and Franklin, George Hunt.

V

5. At the said election every freeholder, whether resident or not, and every resident householder who has been resident in the municipality in which he tenders his vote for one month next before the election, and who is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, shall be entitled to vote provided he shall name, if required, the property on which he votes, and shall take, if required, the following oath :

Oath of voter.

I, A. B., (*name of voter*) do solemnly swear (*or affirm if the person is by law authorized to affirm in civil matters*) that I am a freeholder in the Township of _____, (*naming it, or if the person votes as a householder then that he is a householder and has been resident within the municipality in which he proposes to vote, for one month next before the election*) : That I am a natural born (*or naturalized*) subject of Her Majesty and of the full age of twenty-one years : And that I have not voted before at this election. So help me God. (*The person offering to vote may be required in the oath to state the property in respect of which he votes*).

First meeting
of the councils.

6. The first meeting of each of the councils for the said municipalities shall be held on the fifteenth day of May next, at twelve o'clock noon, at the place hereinbefore fixed for the elections.

7. The inhabitants of the township and united townships hereinbefore named, and of the united Townships of Cardwell and Watt, the Township of Monck, the Township of Morrison, the united Townships of Draper, Oakley and Ryde, the Township of Macauley, and the Township of Stevenson, are hereby erected into a municipal corporation, to be called "The Municipal corporation of the District of Muskoka."

Name of corporation.

8. The reeves of the said townships and united townships to be elected or heretofore elected under the municipal organization heretofore existing, shall be the members of the municipal council of the said municipality of the District of Muskoka.

Reeves to be members of the council of district of Muskoka.

9. The said municipality of Muskoka and the said corporation and council thereof shall have and possess respectively all the rights, powers, liabilities and incidents of a county corporation and county council so far as required for the purposes hereinafter mentioned, and the municipal law and statutes of Ontario applicable to counties and county councils, including the proper conduct of the meetings of council; the election of a warden, the appointment of other necessary officers; and the duties of such warden and officers, so far as may be required to enable such municipality or any portion thereof to grant a bonus or bonuses to aid any railway in the construction of which such municipality may be interested, and also to issue debentures therefor and to raise by taxation within such municipality or portion thereof the necessary funds to meet the debentures, shall apply to the said municipality of Muskoka and the council and officers thereof, unless where inconsistent with this Act.

Powers of the corporation.

10. It shall not be necessary in any by-law framed under this Act to set out the amount of ratable property, but every by-law framed for the purposes hereinbefore authorized shall be deemed valid in case it is carried by the requisite number of duly qualified voters as required by law.

By-laws.

11. The Townships of Stisted, Chaffey, Franklin and Ridout, are for the purposes provided for by the Act intituled "An Act to provide for the organization of the Territorial District of Muskoka" hereby detached from the County of Victoria and from the territorial judicial District of Nipissing, and annexed to the territorial District of Muskoka, and nothing in this Act except this section shall in any way affect the provisions of the said Act intituled as aforesaid, and being the Act passed in the thirty-first year of Her Majesty's reign, and chaptered thirty-five.

Certain townships to be attached to the district of Muskoka.

12. Nothing herein contained shall be construed to detach from the Counties of Simcoe or of Victoria any of the townships hereinbefore mentioned, now united to either of the said counties for municipal purposes.

Townships attached to Counties of Simcoe and Victoria.

CAP. L.

An Act to organize the Municipality of Shuniah, and to amend the Acts for establishing Municipal Institutions in unorganized districts.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Limits of municipality of Shuniah.

1. The townships, islands, and other lands in the District of Thunder Bay, included within the following limits namely : Commencing at the boundary line between the British possessions and the United States at the mouth of Pigeon River ; thence westerly along said river to the south-west angle of the Township of Pardee ; thence north along the west boundary of the said township to the north-west angle thereof ; thence east along the northern limits of the Townships of Pardee and Crooks, to the south-west angle of the Township of Blake ; thence north along the western boundary of the Township of Blake to the southern boundary of the Township of Paipoonge ; thence west along the said southern boundary to an angle of the said southern boundary of Paipoonge ; thence north two hundred chains more or less, to an entering angle of the said southern boundary ; thence westerly along the said southern boundary to the most south-westerly angle of the said township ; thence northerly along the most westerly boundary of the said Township of Paipoonge to the north-west angle thereof ; thence east to the western limit of the Township of McIntyre ; thence north to the north-west boundary of said Township of McIntyre ; thence east to the western boundary of the Township of McGregor ; thence north to the north-west angle of said township ; thence east to the western boundary of the Township of McTavish ; thence north to the north-west angle of said township ; thence east to Black Bay ; thence south-easterly to the most northern point of Granite Island in Black Bay ; thence south-westerly in a straight line to the boundary line in Lake Superior, between Great Britain and the United States ; thence following the said boundary line to the place of beginning at the mouth of the Pigeon River, are hereby erected into a municipality to be called "The Municipality of Shuniah;" and the inhabitants thereof are hereby constituted a body corporate under the name of "The Corporation of the Municipality of Shuniah."

Corporate name.

Corporation to have rights of township municipalities.

2. The said corporation shall have and possess all the rights, powers, liabilities, and incidents of a township municipality ; and the municipal and assessment law of Ontario, for the time being, relating to townships, shall, unless when contrary to this Act

Act

Act apply thereto, and to the said municipality, and to the council and officers thereof.

3. Every township with the islands in front thereof within a distance of one mile in the said municipality shall be considered and is hereby declared to be a ward of the said new municipality and the following territories therein are also hereby declared to be wards of the said municipality, that is to say:—the promontory of Thunder Cape with Silver Islet, and the group of stipendiary immediately westerly thereof, to constitute and to be called the “Thunder Cape Ward:” and all other islands which are within the limits of the said municipality to constitute and to be called “The Island Ward,” The portions of the village of Prince Arthur’s Landing east and west of the Dawson Road, shall also be separate wards; but the Lieutenant-Governor in Council may, from time to time by proclamation, make any new division into wards upon two-thirds of the members of the council requesting the same, and whether such division gives a greater or less number of councillors.

4. The nominations for the first election shall be held at Prince Arthur’s Landing, and the polling shall take place at such places within the various wards or adjacent thereto, as the stipendiary magistrate of the District of Thunder Bay shall by his proclamation appoint: the polling day shall not be less than two weeks nor more than six weeks from the day of nomination.

5. Such persons shall act as returning officers in the various wards as the said stipendiary magistrate may in writing appoint.

Returning officer.

6. The electors of each ward shall, at the first and each subsequent election, each elect one councillor.

One councillor to be elected for each ward.

7. At the said first election, every freeholder whether resident or not, and every resident householder who has been resident in the municipality in which he tenders his vote, for six months next before the election, and being a male of the full age of twenty-one years, shall be entitled to vote, provided he shall name, if required, the property on which he votes, and shall take, if required, the following oath:—

Qualification of voters.

I *A. B. (name of voter)* do solemnly swear, (or affirm, if the person is by law authorised to affirm in civil matters,) that I am a freeholder in the Township or Village of *(naming it, or if the person votes as a householder, then that he is a householder, and has been resident within the municipality in which he purposes to vote for six months next before the election)* that I am of the full age of twenty-one years, and that I have not voted before at this election for councillor for this ward. So help me God. *(The person offering to vote may be required in the oath to state the property in respect of which he votes.)*

8.

No assessment
for first
election.

8. No person shall be elected as councillor for more than one ward; and every candidate for the office of councillor shall be a householder or freeholder in the ward which he represents, to the amount of two hundred dollars at the least.

Reeve to be
elected.

9. The councillors elected for each ward shall constitute the council of the said municipality, and shall elect from among themselves a reeve, who shall be the head of the council, and who shall be a justice of the peace *ex officio*, for the said municipality and for the said District of Thunder Bay.

Powers of
council.

10. The said council shall have and possess all the powers and liabilities of township councils in Ontario.

Nominations.

11. The subsequent nominations shall take place on the fourth Saturday in June, and the elections on the second Saturday in July, in each and every year, at such places within or adjacent to the respective wards as the council may appoint.

First meeting
of Council.

12. The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate.

Appointment
and remunera-
tion of clerk,
treasurer and
collector.

13. The said council shall, at their first meeting, or as early as possible thereafter, appoint a clerk, treasurer, and collector, who shall hold office until removed or dismissed by said council; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

Appointment
of assessor.

Assessment
rolls.

14. The said council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post office, stating in such notice the particulars of said assessment.

Roll to be re-
turned to
clerk.

15. The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council.

Appeal
against assess-
ment.

16. Any person so assessed, if he shall complain of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing the clerk, of his grounds of complaint.

Council to
hear and de-

17. The said council shall, within one month after the time fixed for returning the roll, appoint a time and place for the court of revision

DIVISION XIII.—POWERS OF MUNICIPAL COUNCILS AS TO
RAILWAYS.

Aiding by taking stock, loan, guarantee, or bonus. Sec. 471, 472.

How By laws in aid submitted. Sec. 473.

Provisions of By-laws. Sec. 474.

Head of Council to be a Director ex-officio. Sec. 475.

May permit railways to pass along highways, &c. Sec. 476.

471. The council of every township, county, city, town and incorporated village, may pass by-laws :—

(1.) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which the eighteenth section of the Statute fourteenth and fifteenth Victoria, chapter fifty-one—(the Railway Clauses Consolidation Act) or the sections of the Consolidated Statute of Canada respecting railways, numbered seventy-five to seventy-eight, have been or may be made applicable by any special Act; 29-30 V., c. 51, s. 349, sub. 1.

(2.) For endorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed, and for assessing and levying from time to time upon the whole ratable property of the municipality, a sufficient sum to discharge the debt or engagement so contracted; 29-30 V., c. 51, s. 349, sub. 2.

(3.) For issuing, for the like purpose, debentures payable at such times and for such sums respectively not less than twenty dollars, and bearing or not bearing interest as the municipal council may think meet; 29-30 V., c. 51, s. 349, sub. 3.

(4.) For granting bonuses to any railway company in aid of such railway and for issuing debentures in the same manner as is in the preceding sub-section provided for raising money to meet such bonuses; 34 V., c. 30, s. 6.

(5.) For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively; but no municipal corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof shall receive the assent of the electors of the municipality in manner provided by this Act. 29-30 V., c. 51, s. 349, sub. 4.

472. Any municipality or any portion of any municipality which may be interested in securing the construction of a railway or through any part of which or near which the railway or works of any railway company shall pass or be situated, may aid or assist such company by loaning or guaranteeing or giving money by way of bonus or other means to the company,

v

or

By-laws may be made for—

Taking stock in certain railways or guaranteeing debentures.

For guaranteeing the payment of debentures, &c.

For issuing debentures, &c.

Bonuses.

Form of debenture.

Subscriptions, &c., to be confirmed by assent of electors.

Municipalities may give aid towards construction of railway to pass through or near same.

Proviso.

or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipality shall think expedient; Provided always that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of section two hundred and thirty-one of this Act. *Vide* 34 V., c. 43, s. 19.

Mode of submitting such by-laws.

473. Such by-laws shall be submitted in manner following, namely:—

(1.) In the case of a county municipality by the county council on a petition of a majority of the reeves and deputy-reeves, or of two hundred resident freeholders who may be duly qualified voters under the Municipal Act;

(2.) In the case of other municipalities and of sections of such municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident freeholders being duly qualified voters as aforesaid;

(3.) And in the case of municipalities, or portions of municipalities which form part of a county municipality, by the council of such county municipality on the petition of fifty resident freeholders who are duly qualified voters as aforesaid. *Vide* 35 V., c. 60, s. 5.

Provisions of such by-laws.

474. Such by-laws shall provide:—

(1.) For raising the amount so petitioned for, repayable within twenty years by annual instalments of principal with interest, in the meantime payable yearly or half-yearly, and for the issue of debentures for such instalments and interest, and for delivery to the trustees of the debentures for the amount of such instalments with interest, at the times and on the terms specified in the petition; which debentures the municipal councils and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such case, respectively;

(2.) For assessing and levying upon all the ratable property lying within the section or sections defined by the petition, an annual special rate, as nearly equal as may be sufficient for the repayment of the debentures and interest, as the same become due and payable; and in case the debt incurred for said aid is not repayable by instalments, then sufficient to provide a sinking fund for the redemption thereof. *Vide* 35 V., c. 60, s. 6.

In certain cases, head of council to be *ex-officio* a director.

475. In case any municipal council subscribes for and holds stock in a railway company, under section four hundred and seventy-one, to the amount of twenty thousand dollars or upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as the other directors of the company. 29-30 V., c. 51, s. 351.

476. The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in the Consolidated Railway Act, and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tram and other railways along any highway on such terms and conditions as the council shall see fit. 29-30 V., c. 51, s. 352; 33 V., c. 26, s. 12.

By-laws
authorizing
branch rail-
ways.

Also tram and
other railways
along high-
ways.

PART VIII.

POLICE VILLAGES.

DIV. I.—FORMATION OF.

DIV. II.—TRUSTEES AND ELECTION ON.

DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

Existing continued. Sec. 477.

New—how formed. Sec. 478.

477. Every existing police village shall continue to be a police village, with the boundaries then established. 29-30 V. c. 51, s. 1.

Existing
police villages
continued

478. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate, may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. 29-30 V., c. 51, s. 9.

New police
villages.

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

Existing Trustees continued. Sec. 479.

Trustees three in number. Sec. 480.

Qualification required for. Sec. 481, 482.

Electors, who are. Sec. 483.

Election, where to be held. Sec. 484, 485.

Returning Officer, how appointed. Sec. 485.

No Election in a Tavern. Sec. 486.

Nomination, how conducted. Sec. 487, 488.

Election, how conducted. Sec. 489-495.

Tenure of office. Sec. 496.

Poll books to be returned. Sec. 497.

Proceedings were not specially for. Sec. 498.

Powers of returning officer. Sec. 499.

Vacancies, how filled. Sec. 500.

Inspecting Trustee, how appointed. Sec. 501.

Present trustees continued. **479.** The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. 29-30 V., c. 51, s. 2.

Number of Trustees. **480.** The trustees of every police village shall be three in number. 29-30 V., c. 51, s. 68.

Qualification of Trustees. **481.** The persons qualified to be elected police trustees are such persons as reside within the police village or within two miles thereof, as are eligible to be elected township councillors, and as are qualified in respect of property for which they are rated in such police village to the amount required so to qualify them. 29-30 V., c. 51, s. 70

Deficiency in number of qualified persons. **482.** If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. 29-30 V., c. 51, s. 72.

Qualification of electors. **483.** Any township elector, rated on the last assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township shall be entitled to vote at the election for police trustees. 31 V., c. 30, ss. 9 & 10.

Place for holding first election, &c. **484.** The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and the returning officer therefor. 29-30 V., c. 51, ss. 86 & 96.

Place for holding subse- **485.** In a police village, after the first election, the trustees thereof,

thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places, within such village, for holding nominations and elections. 29-30 V., c. 51, s. 96, sub. 2. quent elections, &c.

486. No election of police trustees shall be held in a tavern or in a house of public entertainment licensed to sell spirituous liquors. 29-30 V., c. 51, s. 82. No elections to be in taverns.

487. A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon, on the last Monday in December, annually, at such place therein as shall from time to time be fixed by the trustees. *Vide* 29-30 V., c. 51, s. 100. Nomination meeting.

488. The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. *Vide* 29-30 V., c. 51, s. 100, sub. 1. Who to preside.

489. If only three candidates shall be proposed and seconded, the returning officer or chairman shall, after the lapse of one hour, declare such candidates duly elected. 29-30 V., c. 51, s. 100, sub. 2. If no more candidates than officers.

490. If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. *Vide* 29-30 V., c. 51, s. 100, sub. 3. 31 V., c. 30, s. 13. 33 V., c. 26, s. 3. If more and poll demanded. Election.

491. The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the male freeholders and householders such as is required to be furnished under the next section. *Vide* 29-30 V., c. 51, s. 100, sub. 4. Notice of persons proposed, to be posted. List of voters to be obtained.

492. The clerk of the township, or clerks of the townships, in which any police village is situated, shall, at latest, on the day previous to the day for opening the poll, deliver to the returning officer of such police village a list of the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property, lying in the police village, or the portion thereof in the municipality of such clerk, to the amount required to qualify them Clerk of township to furnish alphabetical list of voters.

List to be
attested by
declaration.

them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand. *Vide* 29-30 V., c. 51, s. 100, sub. 5.

Poll books.

493. The returning officer shall, previous to the opening of the poll, procure a poll-book, and he shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. *Vide* 29-30 V., c. 51, s. 100, sub. 6.

How kept.

Summing up
votes.

494. The returning officer shall add up the votes set down for each candidate on the poll-book, and ascertain the aggregate number of votes, and shall, on the day following the election, put up in the same place as the nominations were posted, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, showing the successful candidates. *Vide* 29-30 V., c. 51, s. 100, sub. 7 & 8. 31 V., c. 30, s. 14.

Declaring
state of poll
and candidates
elected.

Casting vote
in case of ties.

495. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the clerk shall not vote at any such election. *Vide* 29-30 V., c. 51, s. 100, sub. 9.

Term of office.

496. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 33 V., c. 26, s. 3.

Returning-
officer to return
poll-book to
clerk of town-
ship, verified
under oath.

497. Every returning officer shall, on the day after the close of the poll, return the poll-book to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any justice of the peace for the county or union of counties in which the village may lie, as to the due and correct taking of the votes. *Vide* 29-30 V., c. 51, s. 100, sub. 7; 31 V., c. 30, s. 14.

Except where
otherwise pro-
vided, same
proceedings,
&c., to be had
as at elections,
&c., of council-
lors, &c.

498. The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed be absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices shall apply and be acted on, unless where a different provision is herein made, in the election of police trustees. *New.*

499. The returning officer shall have the like powers for the preservation of the peace as are heretofore given to returning officers at municipal elections. *New.* Powers of returning officers.

500. In case of any vacancy in the office of a police trustee, by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. 29-30 V., c. 51, s. 309. Filling vacancies.

501. The trustees of every police village, or any two of such trustees shall, by a writing under their hands to be filed with the clerk of the township, or in case the village lies in several townships with the clerk of the county, appoint one of their number to be inspecting trustee. 29-30 V., c. 51, s. 308. Appointment of inspecting trustees.

DIVISION III.—DUTIES OF POLICE TRUSTEES.

Oaths of Office, and qualification. Sec. 502.

First Meeting of. Sec. 503.

Expenses of, how provided for. Sec. 504-507.

Health Officers, Trustees to be. Sec. 508.

Regulations to be enforced by. Sec. 509.

Penalties for breach, how recovered. Sec. 510.

Neglect of Duty by Trustees, how punishable. Sec. 511.

Limitation of Suits for Penalties. Sec. 512.

502. Every police trustee shall take oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. 29-30 V., c. 51, s. 178. Oaths of office and qualification.

503. The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. 29-30 V., c. 51, s. 133. When first meeting to be held.

504. The trustees at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated, to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. *New.* Expenditure, how provided for.

505. In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each. Where village in two or more townships.

each township, as shown by the last equalized assessment rolls.
New.

Payment of
orders given
by trustees, &c.

506. The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated pay any order given in favour of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. *New.*

When orders
may be given.

507. No trustee shall give any such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. *New.*

Trustees to be
health officers.

508. The trustees of every police village shall be health officers within the police village, under the Consolidated Statute for Upper Canada, respecting Public Health, and under any other Act that may be passed for the like purpose. 29-30 V., c. 51, s. 313.

Following
regulations to
be enforced.

509. The trustees of every police village shall execute and enforce therein the regulations following:—29-30 V., c. 51, s. 314.

Prevention of Fire.

For providing
ladders, &c.

(1.) Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues;

Penalty.

Fire buckets.

(2.) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient;

Penalty.

As to furnaces,
&c.

(3.) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance;

Penalty.

Stove pipes,
&c.

(4.) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto: and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of two dollars;

Penalty.

Lights in
stables, &c.

(5.) No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of one dollar;

Penalty.

Chimneys.

(6.) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or
in

in a stove of iron or other metal, properly secured, under a Penalty.
penalty of one dollar ;

(7.) No person shall carry fire or cause fire to be carried into ^{Securing fire}
or through any street, lane, yard, garden, or other place, with- ^{carried}
out having such fire confined in some copper, iron, or tin vessel, ^{through}
under a penalty of one dollar for the first offence, and of two ^{streets, &c.}
dollars for every subsequent offence ;

(8.) No person shall light a fire in a street, lane or public ^{Fire in streets.}
place, under a penalty of one dollar ; ^{Penalty.}

(9.) No person shall place hay, straw or fodder, or cause the ^{Hay, straw,}
same to be placed in a dwelling-house, under a penalty of one ^{&c.}
dollar for the first offence, and of five dollars for every week ^{Penalty.}
the hay, straw or fodder is suffered to remain there ;

(10.) No person, except a manufacturer of pot or pearl ashes, ^{Ashes, &c.}
shall keep or deposit ashes or cinders, in any wooden vessel,
box or thing not lined or doubled with sheet-iron, tin or
copper, so as to prevent danger of fire from such ashes or ^{Penalty.}
cinders, under a penalty of one dollar ;

(11.) No person shall place or deposit any quick or unslaked ^{Lime.}
lime in contact with any wood of a house, outhouse or other
building, under a penalty of one dollar, and a further penalty ^{Penalty.}
of two dollars a day until the lime has been removed, or
secured to the satisfaction of the inspecting trustee, so as to
prevent any danger of fire ;

(12.) No person shall erect a furnace for making charcoal of ^{Charcoal}
wood, under a penalty of five dollars ; ^{furnaces.}
^{Penalty.}

Gunpowder.

(13.) No person shall keep or have gunpowder for sale, ex- ^{Gunpowder,}
cept in boxes of copper, tin or lead, under a penalty of five ^{how to be}
dollars for the first offence, and ten dollars for every subsequent ^{kept.}
offence ; ^{Penalty.}

(14.) No person shall sell gunpowder, or permit gunpowder ^{Not to be sold}
to be sold in his house, storehouse or shop, outhouse or other ^{at night.}
building at night, under a penalty of ten dollars for the first ^{Penalty.}
offence, and of twenty dollars for every subsequent offence ;

Nuisances.

(15.) No person shall throw, or cause to be thrown, any filth ^{Certain}
or rubbish into a street, lane or public place, under a penalty ^{nuisances}
of one dollar, and a further penalty of two dollars for every ^{prohibited.}
week he neglects or refuses to remove the same after being
notified to do so by the inspecting trustee, or some other per-
son authorized by him. 29-30 V., c. 51, s. 314, sub. 1-15.

510. The inspecting trustee, or in his absence, or when he ^{Who to sue for}
is the party complained of, one of the other trustees, shall sue ^{penalties.}
for all penalties incurred under the regulations of police herein
established, before a justice of the peace having jurisdiction
in the village and residing therein, or within five miles thereof ; ^{And before}
^{whom.}

OR

Conviction ?
and levy of
penalty.

or if there be none such, then before any justice of the peace having jurisdiction in the village; and the justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty with or without costs as he may see fitting to be levied by distress and sale of the goods of the offender, to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees. 29-30 V., c. 51, s. 312.

Penalty for
breach of duty,
by Trustees.

511. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. 29-30 V., c. 51, s. 310.

When prosecu-
tions to be
commenced.

512. The penalties prescribed by the preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. 29-30 V., c. 51, s. 311.

CONFIRMING AND SAVING CLAUSES.

Exceptions
from repeal.

29-30 Vic.,
c. 51, s. 423.

513. Nothing herein contained shall be taken or construed to affect or repeal the four hundred and twenty-third section of an Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth and thirtieth years of the reign of her present Majesty, chaptered fifty-one, which enacts, that "so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850, as define the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen; and also so much of Schedule D of the said Acts of 1849 and 1850, as relates to Amherstburg, and also so much of the two hundred and third section of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations, and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force." 29-30 V., c. 51, s. 423.

514. Nothing herein contained shall affect the Acts of this Province passed respectively in the thirty-third and thirty-fifth years of the reign of her present Majesty for establishing Municipal Institutions in the Districts of Algoma, Parry Sound, Muskoka, Nipissing and Thunder Bay, but the same shall be construed as if the provisions of the Acts herein referred to remained unrepealed, and as if this Act had not been passed. *New.*

33. Vic. (Ont),
c. 24 (Parry
Sound).
33 Vic. (Ont),
c. 25 (Algoma.
35 Vic. (Ont.),
c. 37 (Parry
Sound, Mus-
koka, Nipissing
and Thunder
Bay.)

515. The Acts and parts of Acts inconsistent with the provisions of this Act, relating to the Municipal Institutions of Ontario, excepting special Acts which have been enacted to confer specific powers on certain municipalities, are hereby repealed; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply. *New.*

Inconsistent
enactments re-
pealed.
Exception.

CAP. XLIX.

An Act to organize the Municipality of the District of Muskoka for certain purposes.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The inhabitants of the following townships are hereby constituted township corporations, namely, the inhabitants of Medora and Wood, under the name of "The corporation of the united Townships of Medora and Wood;" of McLean and Ridout, under the name of "The corporation of the united Townships of McLean and Ridout;" of Stisted, Chaffey, Brunel and Franklin, under the name of "The corporation of the united Townships of Stisted, Chaffey, Brunel and Franklin;" and of Humphrey, under the name of "The corporation of the Township of Humphrey;" and the said united townships and the said Township of Humphrey are hereby erected into township municipalities.

Erection of
certain town-
ships into
municipalities

2. The said corporations shall have all the rights, powers, liabilities and incidents of township corporations, and the municipal and assessment laws of Ontario, for the time being, relating to townships and township councils, shall apply to the said

Rights and
liabilities of
township cor-
porations.

said municipalities and to the corporations hereby constituted, and the councils thereof, except where inconsistent with this Act.

Nominations
for first
election.

3. The nomination for the first election of reeves and councillors shall take place on the first day of May next, at the hour of noon, at the following places:

For the Township of Humphrey, in the Orange Hall at Ashdowne;

For the United Townships of Medora and Wood, in the Orange Hall at Port Carling, in Medora;

For the United Townships of McLean and Ridout, at the saw mill of John Bunsen McLean;

For the United Townships of Stisted, Chaffey, Brunel and Franklin, at the Orange Hall at Huntsville, in Chaffey.

First election.

4. That said election shall be held on the eighth day of May next, at the places fixed as aforesaid for the nominations, and the following persons are hereby appointed returning officers at the said nominations and elections:

For the Township of Humphrey, Ebenezer Sirrett, the younger;

For the United Townships of Medora and Wood, George C. Hazlewood;

For the United Townships of McLean and Ridout, Robert K. Johns.

For the United Townships of Stisted, Chaffey, Brunel and Franklin, George Hunt.

V

5. At the said election every freeholder, whether resident or not, and every resident householder who has been resident in the municipality in which he tenders his vote for one month next before the election, and who is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, shall be entitled to vote provided he shall name, if required, the property on which he votes, and shall take, if required, the following oath:

Oath of voter.

I, A. B., (*name of voter*) do solemnly swear (*or affirm if the person is by law authorized to affirm in civil matters*) that I am a freeholder in the Township of _____, (*naming it, or if the person votes as a householder then that he is a householder and has been resident within the municipality in which he proposes to vote, for one month next before the election*): That I am a natural born (*or naturalized*) subject of Her Majesty and of the full age of twenty-one years: And that I have not voted before at this election. So help me God. (*The person offering to vote may be required in the oath to state the property in respect of which he votes*).

First meeting
of the councils.

6. The first meeting of each of the councils for the said municipalities shall be held on the fifteenth day of May next, at twelve o'clock noon, at the place hereinbefore fixed for the elections.

7. The inhabitants of the township and united townships hereinbefore named, and of the united Townships of Cardwell and Watt, the Township of Monck, the Township of Morrison, the united Townships of Draper, Oakley and Ryde, the Township of Macauley, and the Township of Stevenson, are hereby erected into a municipal corporation, to be called "The Municipal corporation of the District of Muskoka."

Name of corporation.

8. The reeves of the said townships and united townships to be elected or heretofore elected under the municipal organization heretofore existing, shall be the members of the municipal council of the said municipality of the District of Muskoka.

Reeves to be members of the council of district of Muskoka.

9. The said municipality of Muskoka and the said corporation and council thereof shall have and possess respectively all the rights, powers, liabilities and incidents of a county corporation and county council so far as required for the purposes hereinafter mentioned, and the municipal law and statutes of Ontario applicable to counties and county councils, including the proper conduct of the meetings of council; the election of a warden, the appointment of other necessary officers; and the duties of such warden and officers, so far as may be required to enable such municipality or any portion thereof to grant a bonus or bonuses to aid any railway in the construction of which such municipality may be interested, and also to issue debentures therefor and to raise by taxation within such municipality or portion thereof the necessary funds to meet the debentures, shall apply to the said municipality of Muskoka and the council and officers thereof, unless where inconsistent with this Act.

Powers of the corporation.

10. It shall not be necessary in any by-law framed under this Act to set out the amount of ratable property, but every by-law framed for the purposes hereinbefore authorized shall be deemed valid in case it is carried by the requisite number of duly qualified voters as required by law.

By-laws.

11. The Townships of Stisted, Chaffey, Franklin and Ridout, are for the purposes provided for by the Act intituled "An Act to provide for the organization of the Territorial District of Muskoka" hereby detached from the County of Victoria and from the territorial judicial District of Nipissing, and annexed to the territorial District of Muskoka, and nothing in this Act except this section shall in any way affect the provisions of the said Act intituled as aforesaid, and being the Act passed in the thirty-first year of Her Majesty's reign, and chaptered thirty-five.

Certain townships to be attached to the district of Muskoka.

12. Nothing herein contained shall be construed to detach from the Counties of Simcoe or of Victoria any of the townships hereinbefore mentioned, now united to either of the said counties for municipal purposes.

Townships attached to Counties of Simcoe and Victoria.

CAP. L.

An Act to organize the Municipality of Shuniah, and to amend the Acts for establishing Municipal Institutions in unorganized districts.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limits of municipality of Shuniah.

1. The townships, islands, and other lands in the District of Thunder Bay, included within the following limits namely: Commencing at the boundary line between the British possessions and the United States at the mouth of Pigeon River; thence westerly along said river to the south-west angle of the Township of Pardee; thence north along the west boundary of the said township to the north-west angle thereof; thence east along the northern limits of the Townships of Pardee and Crooks, to the south-west angle of the Township of Blake; thence north along the western boundary of the Township of Elake to the southern boundary of the Township of Paipoonge; thence west along the said southern boundary to an angle of the said southern boundary of Paipoonge; thence north two hundred chains more or less, to an entering angle of the said southern boundary; thence westerly along the said southern boundary to the most south-westerly angle of the said township; thence northerly along the most westerly boundary of the said Township of Paipoonge to the north-west angle thereof; thence east to the western limit of the Township of McIntyre; thence north to the north-west boundary of said Township of McIntyre; thence east to the western boundary of the Township of McGregor; thence north to the north-west angle of said township; thence east to the western boundary of the Township of McTavish; thence north to the north-west angle of said township; thence east to Black Bay; thence south-easterly to the most northern point of Granite Island in Black Bay; thence south-westerly in a straight line to the boundary line in Lake Superior, between Great Britain and the United States; thence following the said boundary line to the place of beginning at the mouth of the Pigeon River, are hereby erected into a municipality to be called "The Municipality of Shuniah;" and the inhabitants thereof are hereby constituted a body corporate under the name of "The Corporation of the Municipality of Shuniah."

Corporate name.

Corporation to have rights of township municipalities.

2. The said corporation shall have and possess all the rights, powers, liabilities, and incidents of a township municipality; and the municipal and assessment law of Ontario, for the time being, relating to townships, shall, unless when contrary to this

Act

Act apply thereto, and to the said municipality, and to the council and officers thereof.

3. Every township with the islands in front thereof within a distance of one mile in the said municipality shall be considered and is hereby declared to be a ward of the said new municipality and the following territories therein are also hereby declared to be wards of the said municipality, that is to say:—the promontory of Thunder Cape with Silver Islet, and the group of islands immediately westerly thereof, to constitute and to be called the “Thunder Cape Ward:” and all other islands which are within the limits of the said municipality to constitute and to be called “The Island Ward,” The portions of the village of Prince Arthur’s Landing east and west of the Dawson Road, shall also be separate wards; but the Lieutenant-Governor in Council may, from time to time by proclamation, make any new division into wards upon two-thirds of the members of the council requesting the same, and whether such division gives a greater or less number of councillors.

4. The nominations for the first election shall be held at First election. Prince Arthur’s Landing, and the polling shall take place at such places within the various wards or adjacent thereto, as the stipendiary magistrate of the District of Thunder Bay shall by his proclamation appoint: the polling day shall not be less than two weeks nor more than six weeks from the day of nomination.

5. Such persons shall act as returning officers in the various Returning officer. wards as the said stipendiary magistrate may in writing appoint.

6. The electors of each ward shall, at the first and each subsequent election, each elect one councillor. One councillor to be elected for each ward.

7. At the said first election, every freeholder whether resident or not, and every resident householder who has been resident in the municipality in which he tenders his vote, for six months next before the election, and being a male of the full age of twenty-one years, shall be entitled to vote, provided he shall name, if required, the property on which he votes, and shall take, if required, the following oath:—

I *A. B. (name of voter)* do solemnly swear, (or affirm, if the Oath. person is by law authorised to affirm in civil matters,) that I am a freeholder in the Township or Village of (naming it, or if the person votes as a householder, then that he is a householder, and has been resident within the municipality in which he purposes to vote for six months next before the election) that I am of the full age of twenty-one years, and that I have not voted before at this election for councillor for this ward. So help me God. (The person offering to vote may be required in the oath to state the property in respect of which he votes.)

No assessment
for first
election.

8. No person shall be elected as councillor for more than one ward; and every candidate for the office of councillor shall be a householder or freeholder in the ward which he represents, to the amount of two hundred dollars at the least.

Reeve to be
elected.

9. The councillors elected for each ward shall constitute the council of the said municipality, and shall elect from among themselves a reeve, who shall be the head of the council, and who shall be a justice of the peace *ex officio*, for the said municipality and for the said District of Thunder Bay.

Powers of
council.

10. The said council shall have and possess all the powers and liabilities of township councils in Ontario.

Nominations.

11. The subsequent nominations shall take place on the fourth Saturday in June, and the elections on the second Saturday in July, in each and every year, at such places within or adjacent to the respective wards as the council may appoint.

First meeting
of Council.

12. The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate.

Appointment
and remunera-
tion of clerk,
treasurer and
collector.

13. The said council shall, at their first meeting, or as early as possible thereafter, appoint a clerk, treasurer, and collector, who shall hold office until removed or dismissed by said council; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

Appointment
of assessor.

Assessment
rolls.

14. The said council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post office, stating in such notice the particulars of said assessment.

Roll to be re-
turned to
clerk.

15. The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council.

Appeal
against assess-
ment.

16. Any person so assessed, if he shall complain of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing the clerk, of his grounds of complaint.

Council to
hear and de-

17. The said council shall, within one month after the time fixed for returning the roll, appoint a time and place for the court of revision

revision to hear said complaints, and such court shall, after hearing the parties complaining, as well as the assessor or assessors and such evidence as may be adduced, alter or amend the roll accordingly.

termine ap.
peals.

18. An appeal may be had from the decision of the court of revision to the stipendiary magistrate, in the same manner as to the County Judge in other municipalities, and the decision of the stipendiary magistrate shall be final.

Appeal from
court of revision.

19. Notices of appeal shall in all cases of appeal to the stipendiary magistrate be left with the clerk of the division court at Prince Arthur's Landing, in lieu of the division court of the assessment district or ward, and copies shall also be left with the clerk of the municipality.

Notice of
appeal.

20. The stipendiary magistrate shall have the like powers, and shall perform the like duties in respect of such appeals, as are performed by the County Judge in other localities in like cases.

Powers of
stipendiary
magistrate as
to appeals.

21. The said roll so finally revised, shall be taken and held as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided.

Revised roll to
be the roll of
the municipi-
pality.

22. The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years; Provided always, that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year.

Council to fix
time for mak-
ing assess-
ment.

23. The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the said Municipal Institutions Acts of Ontario.

Collector's
return and
powers.

24. The council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar, to provide for all the necessary expenses of said municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next two sections of this Act.

Council to levy
rates.

25. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house; Provided always, that the appointment of said constable shall be ratified by the stipendiary magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct.

Council may
establish a
lock-up house.

Appointment
of a Constable
thereto.

Appointment
and removal of
Constables,

26. The council shall have the power to appoint one or more constables, within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables in Ontario; and the said council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said constables; Provided always, that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district.

and power of
stipendiary
magistrate
as to.

27. The stipendiary magistrate shall also have the power of removing or suspending any constable for neglect of duty or other misconduct.

33 V., c. 25,
and 35 V., c.
37, not to ap-
ply to muni-
cipality.

28. The Statutes of Ontario, entitled respectively "An Act to establish municipal institutions in the District of Algoma," and "An Act to establish municipal institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay," shall not be deemed hereafter to apply to any territory comprised within the limits of the said municipality hereby created.

33 V., c. 25,
s. 8, amended.

29. Section eight of the said Act to establish municipal institutions in the District of Algoma, is hereby amended by adding thereto the words "and the members of the council shall hold office till their successors are appointed."

33 V., c. 25,
s. 21, amended.

30. Section twenty-one of the said last mentioned Act is hereby amended by striking out of the second line of said section the words "in the second year," and inserting immediately before the word "July" in said second line the words "in the second," and also by striking out of the third line of said section the word "day," and inserting in lieu thereof the word "Monday."

35 V., c. 37,
amended.

31. Section one of the said Act to establish municipal institutions in the districts of Parry Sound, Muskoka, Nipissing and Thunder Bay, is hereby repealed, and the following substituted in lieu thereof:—

"It shall be lawful for the inhabitants of any locality in the districts of Parry Sound, Muskoka, Nipissing and Thunder Bay, having a population of not less than one hundred persons within any township, or within an area of not more than ten thousand acres, to organize themselves into a township municipality in respect of such township or area."

CAP. LI.

An Act to Incorporate the Town of Brampton.

[Assented to 29th March, 1873.]

WHEREAS a majority of the ratepayers of the incorpo- Preamble.
 rated Village of Brampton, in the County of Peel, by
 petition have represented that the said village is now the county
 town of the said county, and is the centre of a very considerable
 trade; and by the said petition do pray for the incorporation of
 the said village as a town; And whereas, it is expedient to grant
 the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The incorporated Village of Brampton shall from and after Village of
Brampton
incorporated
a town.
 the fifteenth day of December in the year of our Lord one thou-
 sand eight hundred and seventy-three, be, and the same is hereby
 from and after the said fifteenth day of December, incorporated
 as a town; and shall thereafter be known as the corporation of the
 Town of Brampton; and have all the rights, powers, privileges and
 liabilities of an incorporated town, in the same manner and as if
 the same had been incorporated under the provisions of the "Act
 respecting the Municipal Institutions of Upper Canada," except
 in so far as the same are inconsistent with the provisions of this
 Act.

2. All by-laws, rules and regulations which may be in force Former by-
laws, &c., of
the village.
 in the said Village of Brampton at the time of its becoming in-
 corporated as a town under this Act, shall continue and be in
 force as if they had been passed by the corporation of the Town
 of Brampton.

3. The assets, debts, liabilities and obligations of the corpo- Debts, &c., of
the village.
 ration of the Village of Brampton at the time of the incorporation
 as a town under this Act shall belong to and be assumed and
 paid by the corporation of the town of Brampton.

4. The council of the corporation of the Village of Brampton Corporation of
the village to
exercise the
powers of the
town until new
corporation is
elected.
 shall continue to exercise all the powers and functions apper-
 taining to the corporation of the Town of Brampton, from and
 after the date of incorporation as aforesaid, until such time as
 the members of the corporation of the Town of Brampton shall
 be elected under the provisions of this Act.

5. The said Town of Brampton is hereby divided into four Wards.
 wards, in manner described in the Schedule to this Act, to be
 named North, East, South and West Wards.

Appointment
of returning
officers.

6. The council of the said Village of Brampton shall, on or before the first day of December after the passing of this Act, by by-law appoint returning officers and polling places for each of the four wards into which the said Town of Brampton is hereby divided to hold the first election, and in discharge of their duties each returning officer so appointed shall be subject to all the provisions of the said Act respecting the Municipal Institutions of Upper Canada, and the amendments thereto.

SCHEDULE.

WARDS OF THE TOWN OF BRAMPTON.

The North Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Hurontario Street intersects the northerly limit of the said town, thence easterly along the northerly limit of the said town to the easterly limit of the said town, thence southerly along the easterly limit of the said town to the centre of Queen Street, thence westerly along the centre of Queen Street to the centre of Hurontario Street, thence northerly along the centre of Hurontario Street to the place of beginning.

The East Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Hurontario Street intersects the centre of Queen Street, thence easterly along the centre of Queen Street to the easterly limit of the said town, thence southerly along the said easterly limit to the southerly limit of the said town, thence westerly along the said southerly limit of the said town to the centre of Hurontario Street, thence northerly along the centre of Hurontario Street to the place of beginning.

The South Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Hurontario Street intersects the centre of Nelson Street, thence westerly along the centre of Nelson Street, and on the same straight line, to the westerly limit of the said town, thence southerly along the westerly limit of the said town to the southerly limit of the said town, thence easterly along the southerly limit of said town to the centre of Hurontario Street, thence northerly along the centre of Hurontario Street to the place of beginning.

The West Ward shall comprise all that part of the said town which is bounded as follows: that is to say, commencing where the centre of Hurontario Street intersects the northerly limit of said town, thence westerly along the said northerly limit to the westerly limit of the said town, thence southerly along the said westerly limit to a point where a straight line, passing through the centre of Nelson Street aforesaid from Hurontario Street aforesaid westerly parallel with the sides of said Nelson Street, meets the westerly limit of the said town, thence easterly
along

along the said straight line and centre of Nelson Street to the centre of Hurontario Street, thence northerly along the said centre of Hurontario Street to the place of beginning.

CAP. LII.

An Act to authorize the Council of the Village of Brampton to change the course of the River Etobicoke, and for other purposes.

[Assented to 29th March, 1873.]

WHEREAS the River Etobicoke passes through the Village of Brampton, in the County of Peel, in a circuitous and very irregular course, and in the breaking up of ice in the spring overflows its banks and often the streets of the said village, and requires considerable annual outlay by the Council and owners of property in building bridges and repairing and securing the banks of the said river, and in summer the said river becomes stagnant or dry, and is then injurious to the health of the inhabitants of the said village; And whereas, a large number of the ratepayers of the said village have petitioned Parliament to authorize the cutting of a new channel for and changing the course of the said river; and also the damming up of the said river above the said proposed channel; and also the making of a sewer through the said village below the said proposed dam: And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Corporation of the Village of Brampton to pass a by-law or by-laws for the making any where within the lands of the said village a new channel for the River Etobicoke, and changing the course of the said river any where within the said limits: and also to build within the said limits a dam across the said river and flats of the same at or near the upper end of the said channel; and damming up the water of the said river within the said limits for the purpose of forcing the same through the said channel and protecting the low land below the said dam from being overflowed with water; and also a by-law for the making of a sewer through the said village or any part thereof below and through the said dam, and flooding the said sewer from the said river above the said dam, as often as to the said Corporation shall seem necessary or requisite; and for these purposes the said Corporation are hereby authorised to enter upon and into any lands of any person or persons,

Preamble.

Council of
Brampton may
pass by-laws
to change the
course of the
river
Etobicoke, &c.

Powers as to
lands.

persons, bodies corporate or politic, and to take, hold and acquire such part or parts thereof as they shall think necessary and proper for the purposes aforesaid, and to exercise upon or in respect to said lands all such powers as shall or may be necessary for the purposes aforesaid, and from time to time to alter, enlarge or repair the said works or any of them as may be necessary; they the said Corporation doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owners or of parties interested in such lands.

Purchase of
lands.

2. After any land shall be set out and ascertained to be necessary for the purposes aforesaid, or any or either of them, it shall be lawful for all owners thereof, or parties interested therein, to contract for the selling and conveying to the said Corporation all or any part of such land which shall from time to time be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law to all intents and purposes, notwithstanding any law, statute or usage to the contrary; and the amount of the purchase money to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless the owner thereof, or party interested therein as aforesaid, may agree thereupon with the said Corporation.

Compensation
to landowners.

3. The said Corporation may contract, compound, compromise, settle and agree with owners of or parties interested in, any land through or upon which they may determine to cut the said channel, or construct the said dam or sewer, or the land which may be overflowed or injured in consequence of the existence of the said dam, either for the purchase of so much of the said land as they shall require for the purposes or uses of the same, or for damages which he, she, or they shall or may be entitled to receive from the said Corporation in consequence of any of the works hereby authorised being constructed in or upon his, her, or their respective lands, or in consequence of any damage sustained by him, her, or them, in the exercise by such Corporation of any of the powers aforesaid; and in case of any disagreement between the said owners, or parties interested as aforesaid, may offer to him, her or them respectively, in writing, such sum of money as the said Corporation may think just and reasonable for the said lands and damages, or either of them; and should the said offer, not be accepted within one month after the same shall have been made as aforesaid, the amount of the purchase money for the land and tenements purposed to be purchased, and the said damages as aforesaid, or either of them, shall be ascertained by arbitration in manner hereinafter mentioned.

Disputes to be
referred to
arbitration.

4. In each and every case where any dispute shall arise between the said Corporation and any other person or persons bodies corporate or politic, whomsoever, touching any purchase
sale

sale or damage, or the money to be paid in respect thereof, and in each and every case when under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same, and all other moneys payable under this Act, are directed to be ascertained and determined by arbitration, the same shall be referred to be ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Corporation in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act, one other of the said arbitrators shall be chosen by the said Corporation, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators for the purposes of this Act, and shall award, determine, adjudge and order the respective sums of money which the said Corporation shall pay to the respective persons entitled to receive the same and the award of such three persons or any two of them shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place within eight days after notice in writing shall be given them by the said Corporation, or said owner or other party interested, as aforesaid, for that purpose, then and there to arbitrate, award, and determine such matters as shall be submitted to their consideration by the parties interested; Provide. that if the owner or owners, or other person or persons interested in any of the lands required for the purposes of this Act, shall neglect or refuse to appoint an arbitrator, or upon being notified to do so by the Corporation aforesaid by writing a letter to that effect addressed to him, her or them, at his, her or their last or then present residence, and by publication of such notice for one month in one or more local newspaper or newspapers in the said village; then and in that case after the expiration of ten days from the time of such notice being fully completed, the Judge of the County Court of the County of Peel, or such person as he shall appoint, shall act as arbitrator for such party or parties so refusing or neglecting; and the said Judge, or other party whom he shall appoint as aforesaid, shall with the other two arbitrators as herein before provided, proceed to adjudge and determine the damage or purchase money or other matter or thing submitted to their judgment according to the provisions of this Act.

5. If in any case where arbitrators have been appointed as aforesaid the sum awarded is not greater than that offered as aforesaid, the costs of the arbitration shall be borne by the party to whom the same was offered as aforesaid, and be deducted from the compensation; but if otherwise, they shall be borne by the said Corporation; and in any case they may, if not agreed upon, be taxed by the said Judge. Costs of arbitration.

6. The whole sum expended and to be expended by the said Corporation Council may obtain moneys

by rate or
loan.

Corporation in making and completing the said works, and the payment of such damages as aforesaid, shall be raised by the said Corporation by rate or loan, at such times and in such proportions as the said Corporation shall deem fitting; but subject otherwise to the provisions of law touching the raising of moneys by municipalities by rate or loan, as the case may be.

By-law to be
submitted to
electors.

7. Provided always, that every such by-law before its final passing, shall be submitted to the electors of the said village, and their assent thereto had and obtained in the manner and pursuant to the provisions of the sections contained in division three of title two respecting by-laws contained in the Act, passed in the present session of the Parliament of this Province, and intituled "An Act respecting Municipal Institutions in the Province of Ontario."

Description of
land, maps,
&c., to be
furnished to
the arbitrators.

8. For the purposes of this section, and all subsequent sections of this Act, the Judge of the county court of the County of Peel, shall, before the exercise by said Corporation of any of the powers conferred by the previous sections of this Act, nominate and appoint by writing under his hand and seal, three impartial persons to be the arbitrators mentioned in this and said subsequent sections of this Act, and as soon as conveniently may be after the works authorized under this Act shall have been completed, the clerk of the said Corporation shall draw up an instrument in writing which shall describe the several parcels or lots of land through which the said river now runs between the said proposed dam and that point where the waters of the said river passing through the said channel enter the original channel of the said river, and the reputed proprietors thereof, or parties interested therein, respectively; and he shall deliver said instrument, together with all such maps, plans, and other documents or information as may seem necessary to the said arbitrators.

Arbitrators to
inspect lands.

9. Upon receiving the said instrument, plans, maps, and other documents, the said arbitrators shall visit and inspect the said lands and their appurtenances; and thereafter shall prepare the draft of an award setting forth the amount of increase in value of the said several parcels or lots of land in consequence of the course of the said river being changed as aforesaid; and the said draft of award shall also specify the amount the said several parcels or lots, and the proprietors thereof shall in future be annually charged towards the costs of the aforesaid works, and which amounts shall be based on the said increased value of the said lots respectively.

The award.

Objections to
award.

10. As soon as conveniently may be after preparing the said draft of their award, the said arbitrators shall cause such draft to be printed for distribution to all parties concerned; and the said arbitrators shall cause a notice to be inserted once weekly for three successive weeks in one or more newspapers published in the said village, which notice shall require all parties interested

ested who may desire to lodge objections to the said award, to deposit the same with such a party and within such a time as may be pointed out in the said notice; and shall specify a time and place (the said time not being sooner than one calendar month from the first publication of such notice), at which they will proceed to hear any objections that may be so lodged, and such last mentioned notice shall also be posted up in at least twelve conspicuous and public places in said village.

11. The said arbitrators shall attend at such time and place as shall have been so appointed, and shall examine into the matter of any objection which shall be so lodged, and shall hear all such proper evidence as may be offered to them in respect thereof, and shall make such alterations (if any) in the said award as they shall think fit, and may adjourn such attendance from time to time until they shall finally settle and sign such award.

Hearing of
objections to
award.

12. Every award when finally settled, signed and sealed by the said arbitrators, with a proper map or plan annexed thereto, describing the several parcels or lots of land to which such award shall relate; shall within one month after the same has been finally settled be deposited with the Registrar of the County of Peel, and the said Registrar is hereby required to receive the same, and to endorse thereon the date at which it is so deposited with him, and to deposit the same among the records kept by him; and such award when so finally settled and deposited shall be binding and conclusive on all parties, and a copy thereof certified by such Registrar shall be evidence that the same was duly made.

Registration
of award.

13. The said arbitrators shall at the same time cause to be delivered a copy of such final award to the Clerk of the said Corporation, to remain for ever deposited with the records of such Corporation, and to be open for inspection to any party on payment of ten cents for every inspection thereof; and the said Corporation shall cause or order by by-law that the amount of money awarded to be collected and charged on the several lots or parcels of land, as set forth in the said award, shall be added on the next collector's roll for the said village that shall be issued after the receipt of the copy of the said award, for the purpose of being collected and paid over, as in the next following section is mentioned.

Copy of award
to be deposited
with clerk of
the Council.

Council to
collect the
amount of the
award.

14. The respective sums of money which by the aforesaid, award shall be specified as the proportions or contributions payable as aforesaid in respect of the several parcels or lots of land so improved, shall be charged on such several parcels or lots of land, and that in preference to and with priority over all subsequent incumbrances on such land, in manner following, that is to say;—each several parcel or lot of such land shall be charged with a payment to the said Corporation of a rent charge after the rate of eight dollars per centum per annum rent for every one

Amount of
award to be
charged on
the lands
improved.

one hundred dollars charged on such several parcels or lots of land, and so in proportion for any lesser amount, and to be payable for the term of twenty years, to be computed from the first day of January which shall next happen after the date of the said award; such rent charge to be paid on the first day of January in every year; the first of such payments to be made on the first day of January that shall happen next after the final settlement or publication of the said award.

Rent charge
how entered on
collector's roll
and recovered.

15. Every rent charge which shall have become charged on land by virtue of this Act shall be entered by the said clerk in a column of the collector's roll, to be headed "Charge under the Etobicoke Act;" and shall be collected and be recoverable by the said Council by the same means and in like manner in all respects as municipal rates and taxes are collected and recoverable under the Assessment Act of 1869.

Rights of
tenants.

16. In case any such parcels or lots of land shall at the time of making the said award not be in the actual possession of the owner or owners, proprietor or proprietors, but be held under him or them by some other person or persons by virtue of a lease, agreement, or other instrument, every such tenant or occupier who shall pay for the land in his occupation any sum charged thereon under and by virtue of the provisions of this Act, shall be and he is hereby authorized to deduct and retain out of his rent the amount of the sum of money which he shall so pay as aforesaid; but nothing herein contained shall extend or be construed to enable any occupier or lessee to deduct from his rent any costs or expense incurred by nonpayment of the moneys hereby imposed or authorized to be paid.

Disputed
boundaries,
how deter-
mined.

17. If any dispute or difference shall arise between any parties interested or claiming to be interested in any of the said parcels or lots of land improved as aforesaid, touching or concerning any boundaries or any other right or interest which the said parties or any of them shall have or claim to have in or over any such land, or touching any other matter relating thereto, it shall be lawful for the said arbitrators, as well by the examination of witnesses upon oath as by all other proper and sufficient evidence, to examine into, hear, and determine the same, and such determination shall be binding and conclusive upon all parties for the purposes of this Act, but no further or otherwise.

Costs of arbi-
tration.

18. All costs of arbitration under section eight and subsequent sections of this Act shall be borne by the said Corporation.

Corporation
not to injure
by this Act
lands of per-
sons within the
village.

19. Nothing in this Act shall authorize or empower the said Corporation to inflict any injury or damage upon, or to interfere with the rights of any person or persons, or bodies corporate or politic, in respect to any lands or property situate within the limits of said village.

CAP. LIII.

An Act to amend an Act intituled "An Act to Incorporate the Town of Collingwood," and to define the Boundaries of the said Town.

[Assented to 29th March, 1873.]

WHEREAS doubts have arisen as to the boundaries of the Preamble.
Town of Collingwood, in the County of Simcoe, and as to whether the municipal authority of the said Town extends to the Harbour or Shipping Port at the said Town, and it is desirable to remove such doubts :

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

1. Section Number Two of the Act of the late Province of Canada, passed in the twentieth year of the reign of Her present Majesty, chaptered ninety-six, and intituled, "An Act to incorporate the Town of Collingwood," shall be amended, and in lieu of the words in said section, "thence northerly along "the centre of the said Town line, to the five feet water line "as granted by the Crown in deeds to private individuals, across "the front of Collingwood Harbour, to the place of beginning," the following words shall be substituted, namely : "thence northerly along the centre of the said Town line to where the "same meets with a depth of five feet water in Georgian Bay "aforesaid, thence due east until such line or course meets "the production of the easterly side of the concession line "between the tenth and eleventh concessions of Nottawasaga "aforesaid, thence south-easterly in a direct line so as to include "the whole of said Harbour or Shipping Port, to the place of "beginning."

2) Vic. c. 96, s.
2 amended.

CAP. LIV.

An Act to incorporate the Village of Exeter, in the County of Huron.

[Assented to 29th March, 1873.]

WHEREAS the inhabitants of the Villages of Exeter and Preamble.
Francetown have by their petition represented that the population thereof now exceeds one thousand souls, and by reason of the rapid increase of the population, and its further augmentation by the probable early construction of a railway to the said villages, and in order to promote their progress and prosperity, and to enable the inhabitants to grant a bonus in aid

aid of the construction of the London, Huron and Bruce Railway, and in compliance with a resolution passed at a public meeting duly convened to consider the matter of incorporation and numerous attended, it is desirable that the said villages should be united as one and the same incorporated village under the name of "The Corporation of the Village of Exeter;" and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Exeter and
Francetown
united and
incorporated
as the Village
of Exeter.

1. On and after the passing of this Act the inhabitants of the said Villages of Exeter and Francetown comprised within the boundaries hereinafter mentioned, shall be and they are hereby constituted a body corporate, apart from the Townships of Usborne, Stephen and Hay, in which the said villages are situate, under the name of "The Corporation of the Village of Exeter;" and shall enjoy all such rights, powers and privileges as are now or shall be hereafter conferred on incorporated villages in the Province of Ontario.

Boundaries of
the village.

2. The said Village of Exeter shall comprise and consist of the following lots and parcels of land, that is to say: the south half of lot one in the first concession of the Township of Hay, the north half of lot twenty, lots twenty-one, twenty-two, twenty-three, twenty-four and twenty-five in the Township of Stephen, and the north half of lot fifteen, lots sixteen, seventeen, eighteen, nineteen, twenty, and the south half of lot twenty-one in the Township of Usborne.

Appointment
of returning
officer for first
election.

His duties.

3. Immediately after the passing of this Act it shall be lawful for William Bayley, of the said Village of Exeter, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at the Orange Hall, in the said village, at the hour of noon; and he shall give one week's written notice thereof, posted up in at least three conspicuous places in the said village; and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election shall be held on the same day of the week in the week next following the said nomination; and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification
of voters, &c.

4. At the first and all subsequent elections of reeve and councillors, the qualification of the electors and of the reeve and officers required to qualify shall be the same as that required in townships.

Township
clerks to fur-

5. The township clerks of the Townships of Usborne, Stephen and Hay, shall furnish to the returning officer so much

demand made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing or statement that may be required, which copies shall be verified on oath or as now required by law.

nish copies of
rolls.

6. The said returning officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by returning officers for incorporated villages in Ontario.

Oath of office.

7. Elections for councillors for the said Village of Exeter after the year one thousand eight hundred and seventy-three shall be held in conformity with the provisions of law applying to incorporated villages in Ontario.

Annual
elections after
1873.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification as are now prescribed by law.

Oaths of office.

9. The council of the said village to be elected under this Act shall consist of the reeve, who shall be the head thereof, and four councillors; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination, and at subsequent elections in the same manner as in villages incorporated under the provisions of the Municipal Act in Ontario.

Village council,
how composed and
organized.

10. The said Village of Exeter shall be liable to pay to the treasurer of each of the Townships of Usborne, Stephen and Hay, in each and every year, such and the same proportion of any debts contracted by the said townships, or either of them, prior to the present year, as the amount of the assessed property for each township within the limits of the said village, as shown by the collector's roll of the said several townships for the year one thousand eight hundred and seventy-two, bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied.

Provision as to
debts of Town-
ships.

11. From and after the holding of the election under this Act, the said village shall cease to form part of the townships of Hay, Stephen and Usborne, and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges, and jurisdiction of an incorporated village in Ontario; but the reeve for the village to be elected for the year one thousand eight hundred and seventy-three shall have no seat in the county council for the said year.

Village to be
separated
from the
townships.

12. The expenses of furnishing copies of the assessment rolls

Expenses of
furnishing
OR rolls, &c.

or any documents or copies of papers or writings by the clerks or other officers of the councils of the said townships hereinbefore referred to, or required to be furnished, or incurred in obtaining this Act, shall be borne and paid by the said village council to the parties respectively entitled thereto.

Who to assess
the property in
the village.

13. The officers of the council of each of the said townships of Usborne, Stephen, and Hay shall not proceed to assess the property within the limits of the said village; but the assessor to be appointed by the council of the said village shall make and complete the roll for the present year not later than the first day of May next.

CAP. LV.

An Act to Incorporate the Town of Orangeville and to define the limits thereof.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the inhabitants of the Incorporated Village of Orangeville, in the County of Wellington, and of the adjacent territory included within the boundaries hereinafter mentioned, have by their petition represented that the said village has a population of about two thousand five hundred, and that the population of said village is rapidly increasing, and in order to enable the inhabitants to make and carry out certain necessary improvements, and in compliance with a resolution passed by the council of the corporation of the said Village of Orangeville, it is desirable that the said village and the said hereinafter mentioned adjacent territory be incorporated as a town, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of the town of
Orangeville.

1. The incorporated Village of Orangeville, in the County of Wellington, together with lot number two in the first and the east half of lot number two in the second concession, west of Hurontario Street, in the Township of Mono, in the County of Simcoe; the west half of lot number thirty-one in the first and the east half of lot number thirty-one in the second concession, west of Hurontario Street, in the Township of Caledon, in the County of Peel, shall, from and after the fifteenth day of December, in the year of our Lord one thousand eight hundred and seventy-three, be, and the same is hereby incorporated as a town, and shall thereafter be known as the Corporation of the Town of Orangeville, and have all the rights, powers, and privileges and liabilities of an incorporated town, in the same manner

manner and as if the same had been incorporated under the provisions of the "Act respecting the Municipal Institutions of Upper Canada," except in so far as the same are inconsistent with the provisions of this Act.

2. All by-laws, rules, and regulations which may be in force in the Village of Orangeville, at the time of its becoming incorporated as a town under this Act, shall continue and be in force as if they had been passed by the corporation of the Town of Orangeville, and shall extend to and have full effect within the limits of the town hereby incorporated.

Present by-laws, &c., to remain in force.

3. The assets, debts, liabilities, and obligations of the Village of Orangeville, at the time of its incorporation as a town under this Act, shall belong to and be assumed and paid by the corporation of the Town of Orangeville.

Debts, &c., of the village.

4. The council of the corporation of the Village of Orangeville shall continue to exercise all the powers and functions appertaining to the corporation of the Town of Orangeville, from and after the date of incorporation as aforesaid, until such time as the members of the corporation of the Town of Orangeville shall be elected under the provisions of this Act.

Council of village to remain in power until new council elected.

5. The said Town of Orangeville is divided into four wards, in manner described in the schedule to this Act, to be named North Ward, East Ward, South Ward, and West Ward.

Wards.

6. The council of the said Village of Orangeville shall, on or before the first day of December after the passing of this Act, by by-law appoint returning officers and polling places for each of the four wards into which the said Town of Orangeville is hereby divided, to hold the first election, and in discharge of their duties, each returning officer so appointed shall be subject to all the provisions of the said Act respecting the Municipal Institutions Act of Upper Canada, and the amendments thereto.

First election.

7. The council of the said town shall consist of a mayor, a reeve, and two councillors for each ward.

Council, of whom compose.

8. From and after the first day of January, one thousand eight hundred and seventy-four, the portions of the Townships of Mono and Caledon included in the said town shall, to all intents and purposes, cease to form part of and be detached from the said townships, and shall be and are hereby incorporated for all purposes with the said town.

Parts of Mono and Caledon included in the town of Orangeville.

9. The council of the said town shall be entitled to recover from the said Townships of Mono and Caledon respectively such share of all moneys on hand, due, owing, or of right collectable by and belonging to the said townships respectively, at and prior

Adjustment of debts, &c., between the town and townships.

prior

prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportions to the whole as the amounts of the assessed property within the limits of the said town, as shown by the collector's roll of the year one thousand eight hundred and seventy-three, bears to the whole amount of the assessed property of the said townships respectively; and the said town shall be liable to pay to the said townships respectively a share, in the same proportion, of all debts and liabilities existing against the said townships respectively at the time this Act shall come into force, as the same shall become due; and in case of disagreement the same shall be determined by arbitration under the Municipal Institutions Act.

Expenses of
assessment,
&c., how de-
frayed.

10. The expenses of any assessment imposed for the present year, so far as the same relates to assessments made within the limits of the said town, and the expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the council of the said townships respectively, or otherwise shall be borne and paid by the said town council to the said township councils respectively, or any other party entitled thereto.

Town of Or-
angeville to be
part of the
county of
Wellington.

11. The Town of Orangeville, hereby incorporated, shall be attached to, and form part of the County of Wellington.

SCHEDULE.

WARDS OF THE TOWN OF ORANGEVILLE.

NORTH WARD—Shall comprise all that part of the said town which is bounded as follows:—That is to say, Commencing where the centre of First Street intersects the northerly limit of the said town: thence easterly, along said northerly limit, to the centre of Hurontario Street; thence southerly, along the centre of Hurontario Street, to the centre of East Broadway; thence westerly, along the centre of East Broadway, to the centre of First Street; thence northerly, along the centre of First Street, to the place of beginning.

EAST WARD—Shall comprise all that part of the said town which is bounded as follows:—That is to say, Commencing where the centre of Broadway intersects the easterly limit of the said town; thence westerly, along the centre of East Broadway, to its intersection with the centre of Mill Street; thence southerly, along the centre of Mill Street, to its intersection with the centre of James Street; thence southerly, along the centre of James Street, to its intersection with the centre of the allowance for road between Orangeville and Caledon, to its intersection with the first concession line, west
of

of Hurontario Street, Caledon; thence southerly, along the centre of said concession line, to the southerly limit of said town; thence easterly, along the division line, between Orangeville and the west half of lot number thirty in the first concession, west of Hurontario Street, Caledon, to its intersection with the division line, between Orangeville and the east half of lot number thirty-one in the first concession, west of Hurontario Street, Caledon; thence northerly along the division line, between Orangeville and the said east half of lot number thirty-one, to the centre of the allowance for road, between Orangeville and Caledon; thence easterly, along the centre of the said allowance for road, to the place of beginning.

SOUTH WARD—Shall comprise all that part of the said town which is bounded as follows:—That is to say, Commencing at the centre of west Broadway, on the westerly limit of the said town; thence easterly, along the centre of Broadway, to its intersection with the centre of Mill Street; thence southerly, along the centre of Mill Street, to its intersection with the centre of James Street; thence southerly, along the centre of James Street, to its intersection with the centre of the allowance for road, between Orangeville and Caledon; thence westerly, along the centre of the said allowance for road, to its intersection with the allowance for road, between Orangeville and East Garafraxa; thence northerly, to the place of beginning.

WEST WARD—Shall comprise all that part of the said town which is bounded as follows:—That is to say, Commencing where the centre of First Street intersects the northerly limit of the said town; thence southerly, along the centre of First Street, to its intersection with the centre of Broadway; thence westerly, along the centre of West Broadway, to its intersection with the allowance for road, between Orangeville and Mono; thence northerly, along the centre of said allowance for road, to its intersection with the division line, between Orangeville and the west half of lot number two, west of Hurontario Street, Mono; thence easterly, along the said division line, to its intersection with the division line, between Orangeville and the said west half of lot number two; thence northerly, along the said division line, to its intersection with the division line, between the northerly limits of Orangeville and Mono; thence easterly, to the place of beginning.

CAP. LVI.

An Act to authorize the Corporation of the Town of Clifton to pass By-laws for licensing and regulating Hacks and Carriages and their Drivers, and for other purposes.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Town of Clifton is greatly resorted to by persons visiting the Falls of Niagara and other places of interest in and near the said town, and by persons passing through the said town; and by reason of the said town being situated on the banks of the Niagara River, which forms the boundary between the Province of Ontario and the United States of America, it is difficult to restrain and punish such hack and cab owners, runners and others, as design to practise frauds and imposition upon visitors to the said town; and it is expedient to authorize the said corporation to grant licenses to persons to be employed by such visitors as hack or cab drivers, runners or otherwise, and to regulate the issue of such licenses to persons to be so employed by such visitors, and otherwise to enable the said corporation to provide for the protection of visitors to the said town, and for the good government of the said town, as hereinafter provided:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town of Clifton may pass by-laws.

To make regulations as to cabs, &c.

To limit the number of cab-drivers, &c.

To limit the number of runners, &c.

To license runners.

1. The council of the corporation of the Town of Clifton, in addition to the powers which they now possess, may and are hereby authorized to pass by-laws;

1. For regulating and licensing the owners of livery stables, and of horses, hacks, cabs, coaches, carriages, omnibusses, baggage and other waggons, sleighs, and other vehicles used for hire in the said town, and for limiting the number of licenses to be issued for the same in the said town; for establishing the rates of fare to be taken by such owners or car drivers, and for enforcing payment thereof;

2. For regulating, licensing and limiting the number of carmen, hackmen, porters, and drivers of horses, hacks, cabs, coaches, carriages, omnibusses, baggage and other waggons, sleighs, and other vehicles used for hire in the said town;

3. For regulating, and licensing, and limiting the number of runners, solicitors, or guides for boats, railroads, hacks, cabs, coaches, carriages, omnibusses, baggage and other waggons, sleighs and other vehicles, public-houses, places of resort, or for any other place or purpose whatsoever in the said town;

4. For restraining and prohibiting within the said town all owners of livery stables and of horses, hacks, cabs, coaches, carriages, omnibusses, baggage and other waggons, sleighs and other

other vehicles used for hire, and all carmen, hackmen, porters, and drivers of the same, and prohibiting any person or persons from acting as runners, solicitors, or guides for or soliciting or asking passengers, visitors or others either to resort or go to, or to refrain from resorting or going to boats, railroads, hacks, cabs, coaches, carriages, omnibusses, baggage, and other wagons, sleighs, and other vehicles, public houses, places of resort, or for any place or purpose whatsoever in the said town; without having first obtained from the said corporation a license therefor;

5. For requiring such security from an applicant for a license under any of the provisions aforesaid for the due performance of his or their duty, and the due observance of the by-laws and regulations of the said council, as the said council may deem sufficient, and for enforcing such security, and for declaring the terms and conditions required to be complied with by an applicant for any such license;

To take security of performance of duty from licensees.

6. For regulating the fees to be paid for such licenses respectively;

To regulate fees.

7. For inflicting reasonable fines and penalties, not exceeding one hundred dollars exclusive of costs, upon any person for the breach of any such by-laws of the said corporation;

To inflict fines.

8. For collecting such fines and penalties by distress and sale of the goods and chattels of the offenders;

To collect fines.

9. For inflicting reasonable punishment by imprisonment with or without hard labour, either in the lock-up house in the said town or in the county gaol of the County of Welland, for any period not exceeding three months, for breach of the said by-laws, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied.

To inflict punishment for breach of by-laws.

2. All prosecutions under the said by-laws for offences against the provisions of such by-laws shall take place before the mayor of the said town, or before any two of Her Majesty's justices of the peace having jurisdiction in the said town, who it is hereby declared shall have authority to hear and determine the same in a summary manner, and on such trial and proceedings the prosecutor or complainant shall be a competent witness, and the conviction or order of the said mayor, or of such two or more justices as the case may be, shall be final and conclusive, when the fine (exclusive of costs) does not exceed twenty dollars, or the imprisonment does not exceed thirty days; and against such conviction or order there shall be no appeal to the court of criminal sessions of the peace, or to any other court, any statute, usage, custom or law to the contrary notwithstanding.

Prosecutions for breach of by-laws, how conducted.

CAP. LVII.

An Act to unite the Municipality of the Village of Ashburnham, in the County of Peterborough, with the Municipality of the Town of Peterborough, in the said County.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the municipality of the Village of Ashburnham in the County of Peterborough, adjoins the municipality of the Town of Peterborough, and it is expedient that the said municipality of the Village of Ashburnham, be united with and form part of the municipality of the Town of Peterborough for municipal purposes, and the municipal councils of the said municipalities have respectively petitioned for the same :

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Village of
Ashburnham
incorporated
with town of
Peterboro'.

1. The municipality of the Village of Ashburnham, in the County of Peterborough, shall, on, from and after the day hereinafter appointed for the coming into force of this Act be incorporated with and form part of the municipality of the Town of Peterborough in the said County.

Wards.

2. On, from and after the coming into force of this Act, and until otherwise altered under and pursuant to the provisions of any statute in that behalf, the municipality of the Town of Peterborough shall be divided into six wards, to be numbered consecutively, and known as ward number one, ward number two, ward number three, ward number four, ward number five, and ward number six, of which the first four named wards shall be, and correspond with the wards into which the municipality of the Town of Peterborough is presently divided : Ward number five shall be, and include that portion of the present Village of Ashburnham, that is north of a line commencing at the western extremity of Elizabeth street in the said Village of Ashburnham ; thence east along Elizabeth street aforesaid, to Concession street ; thence south along Concession street aforesaid, to the limit between lots V and W in the said village ; thence east along said limit to the eastern boundary of the village ; And ward number six shall be, and include that portion thereof, that is south of the said line, and each of the said wards shall be represented in the municipal council of the Town of Peterborough by two councillors.

Common
school, market
and hay scales
in Ashburn-
ham.

3. The common school in the said municipality of the Village of Ashburnham shall be maintained as a branch of, and in connection with, the public school of the Town of Peterborough, and the market and hay scales in the said Village of Ashburnham, shall be continued and maintained.

4. In the event of a permanent freight and passenger station of the Cobourg, Peterborough and Marmora Railway and Mining Company being erected and maintained, pursuant to the fourth sub-section of section five of by-law numbered two hundred and sixty-five of the Town of Peterborough, providing for the granting of a bonus to the Cobourg, Peterborough and Marmora Railway and Mining Company, the same may be so erected and maintained within that part of the Town of Peterborough, as by this Act extended, that comprises the present Village of Ashburnham: Provided that nothing herein contained shall be held to give any power or authority to the said Railway Company to erect the said station otherwise than according to the terms of the said by-law until after the passage of the by-law of the said Village of Ashburnham, with the assent of the rate-payers therefor as hereinafter provided.

Location of the station of the Cobourg, P. & M. R.R. way.

5. The debts and obligations of the municipality of the Village of Ashburnham, existing at the time of the coming into force of this Act, shall be assumed and borne by the municipality of the Town of Peterborough, as by this Act extended.

Debts of Ashburnham.

6. All by-laws of the municipality of the Town of Peterborough, that may be in force at the time of the coming into force of this Act, shall apply to the whole of the said Town of Peterborough as hereby extended, except those by-laws or parts of by-laws that may be of a local character, and thereupon all by-laws of the said municipality of the Village of Ashburnham shall cease to apply, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality of the Town of Peterborough.

Effects of existing by-laws.

7. The municipality of the Town of Peterborough, shall pay to the municipality of the County of Peterborough, such part (if any) of the debts of the County, as may be just; the amount thereof in the event of any difference concerning the same, to be ascertained under and pursuant to the provisions of the Act intituled "An Act respecting the Municipal Institutions of Upper Canada."

Adjustment of debts between town and county.

8. In the event of the passage and approval by the rate-payers of the Village of Ashburnham of a by-law as hereinafter provided, this Act shall come into force on the first Monday in January, which will be in the year of Our Lord one thousand eight hundred and seventy four, upon which day the municipal elections for the said town shall be held, and for the purpose of the nomination of candidates for the municipal elections of the Town of Peterborough and the election thereof; should no more than the requisite number be nominated, this Act shall come into force on the last Monday but one in the month of December, in the year one thousand eight hundred and seventy three.

When this Act is to take effect.

Voters' list.

9. Until the assessment roll and voters' list for the municipality of the Town of Peterborough, for the year one thousand eight hundred and seventy-four shall have been finally revised and returned, respectively, the assessment roll and voters' list of the municipality of the Village of Ashburnham, that shall have been last revised and returned, respectively, previous to the coming into force of this Act, shall for all purposes of municipal and other elections, and otherwise be held and taken to be the last revised assessment roll, and the voters' list for the said Town of Peterborough, as hereby extended as to that portion thereof to which the same relates.

Appointment of returning officers, &c., for first election.

10. The present town council of the Town of Peterborough shall by by-law fix the places, and appoint the returning officers for holding the first municipal election for the said Town of Peterborough, as hereby extended.

Act not to come into force until a by-law for the purpose is passed.

11. Provided this Act shall not come into force until a by-law for that purpose has been duly made, and after three weeks notice thereof in the newspapers published in the said Town of Peterborough, submitted to and approved of by a majority of the ratepayers of the Village of Ashburnham, who shall have voted upon the said by-law; and upon a petition signed by twenty-five of the said ratepayers asking for the submission of such a by-law being presented to the municipal council of the said village, the said council shall forthwith submit such by-law to be voted upon by the said ratepayers.

CAP. LVIII.

An Act to enable the Corporation of the Township of Romney to alter, widen, straighten and continue certain side roads in said Township.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS by the petition, of the Corporation of the Township of Romney, in the County of Kent, it appears that in the original survey of said township, the side roads as laid out between lots numbers six and seven, and between lots numbers twelve and thirteen, and between lots numbers eighteen and nineteen, in the several concessions of said township, are not continued in straight and direct courses, but diverge and jog at various points, and that such divergences are of great inconvenience to the public and to the maintenance, keeping in repair, and opening up of said roads: And whereas, said petitioners have prayed for the necessary powers to enable them to alter, widen, divert and straighten said roads, and to

continue

continue said road between said lots numbers eighteen and nineteen to the water's edge of Lake Erie; And whereas, it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding any law or statute to the contrary, the Corporation of the Township of Romney, in the County of Kent, shall, at any time within two years from the passing of this Act, have power to, and they may within that time, by their by-law or by-laws in that behalf:—

1. Alter, straighten, widen, divert, or stop up, in their discretion, the whole or any part or parts of said side roads between lots numbers six and seven, and between lots numbers twelve and thirteen, and between lots numbers eighteen and nineteen, in said several concessions of said township, the said side roads where and as so altered, straightened, widened, or diverted to be and remain of a width not less than the same were respectively laid out in the original survey thereof;

2. Open up, lay out, make and continue from the road in front of the first concession and in rear of the lots known as the Talbot Street lots in said township, a new road in continuation of said side road between said lots numbers eighteen and nineteen, which said new road shall be of the same width as said last mentioned side road, and shall be in continuation thereof from the front of the first concession to the water's edge of Lake Erie; and

3. Enter upon, break up, take or use any land or premises in any way necessary or convenient for the purposes or the exercise of the powers aforesaid, or the altering, straightening, widening, diverting or making of any such road as aforesaid: Provided that no encroachment be made on any dwelling-house, barn, stable or out-house without the written consent of the owner.

2. The said corporation shall make to the owners of real property entered upon, taken or used, in the exercise of the powers by this Act conferred, due compensation for any damages (including costs of fences, when required) necessarily resulting from the exercise of such powers beyond any advantage which the claimants may derive from the exercise thereof; and any claim for such compensation, if not mutually agreed upon, shall be adjudicated upon, determined and enforced by arbitration, such arbitration and all matters, steps and proceedings connected therewith or relating thereto to be commenced, proceeded with, carried on and enforced in the same manner and with the same effect as if the same were an arbitration under and pursuant to the provisions of the Act of this present session of the Legislative Assembly of Ontario, intituled "An Act respecting Municipal Institutions in the Province of Ontario."

Arbitration.
Power to sell
site of original
roads if di-
verted.

3. Where any portion or portions of the original road allowances for said side roads, or any or either of them, shall, by reason of the exercise of any of the powers by this Act conferred upon said corporation, no longer continue to be or form a part of said side roads, as the same shall be made, opened, widened, straightened or diverted under said powers, then, and in such case, the said corporation may pass by-laws for selling said portion or portions, or any of them, to the parties next adjoining whose lands the same is or are situated; and in case such parties respectively refuse to become the purchasers, at such price as said corporation think reasonable, then for the sale thereof to any other person for the same or a greater price.

Notice of by-
laws and
hearing of
persons in-
jured.

4. The said corporation shall not pass any such by-law :—
1. Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of the road or roads to be affected by such by-law, or to which the same shall relate;
 2. And published weekly, for at least four successive weeks, in some newspaper (if any there be) published in said township, or, if there be none such, then in a newspaper published in some neighbouring municipality, and in either case in the county town, if any such there be;
 3. Nor until the council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;
 4. And the clerk of said corporation shall give such notice, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notice.

By-laws to be
registered.

5. Any such by-law under the authority of which any such road, or any part thereof, shall be opened upon any private property, shall, before the same become effectual in law, be duly registered in the registry office of the county or riding where the land is situate; and, for the purposes of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the said corporation, and shall be registered without any further proof.

36 V., c. 48,
ss. 370, 371,
and 372, incor-
porated with
this Act.

6. Sections three hundred and seventy-four, three hundred and seventy-five, and three hundred and seventy-six of the said Act, intituled "An Act respecting Municipal Institutions in the Province of Ontario," are hereby incorporated with and made, and shall be read as part of this Act.

Municipal act
not to effect the
force of this
Act.

7. This Act shall have, and be in full force and effect, notwithstanding the said Act intituled "An Act respecting Municipal Institutions in the Province of Ontario," or anything therein contained.

CAP. LIX.

An Act to provide for the permanent establishment of certain Side Lines in the Townships of Whitby and East Whitby.

[Assented to 29th March, 1873.]

WHEREAS by the petition of freeholders of lots numbers thirteen, fourteen, fifteen, sixteen, and seventeen, in the first concession of the Township of East Whitby, and lots numbers eighteen, nineteen and twenty in the first concession of the Township of Whitby, in the County of Ontario, it appears, that nearly all the side lines of the said lots have been run and defined many years ago, that side roads have been opened up, travelled, and improved by statute labour and otherwise, lands have been cleared and improved, and buildings erected agreeably to the lines so run and defined, in good faith that they were correct; that it has been discovered upon recent and more correct surveys having been made, that none of the said side lines as formerly run are parallel to the governing boundary, as the law requires; that to alter the said side lines now, and place them in their proper positions, would cause great loss and inconvenience to the public, as well as to private individuals, and that it is desirable that the said lines be established and confirmed for all future time, as they now are; And whereas, the said freeholders by their petition pray that the said side lines may be so established, confirmed and permanently marked; and it is expedient to grant the prayer of the petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Councils of the Corporations of the Townships of East Whitby and Whitby respectively, shall within twelve months after the passing of this Act, cause such a survey of the said lots to be made by a provincial land surveyor, as will result in defining on the ground the precise limits thereof, as they were formerly run, or now exist, giving to each road allowance the width of one chain, and where any of the said side lines have not been defined, or cannot now be ascertained, such surveyor shall establish and define the same, by giving to each lot between the nearest lines established as aforesaid, a width in rear proportionate to its width in front, and shall mark the whole by planting permanent cut stone monuments at the front and rear angles of each of the said lots, which shall thereafter be taken to be and are hereby declared to be, the true and unalterable limits thereof, any law or usage to the contrary notwithstanding. And such surveyor shall deposit a copy of the plan, field notes and report of such survey in the office of the Commissioner of Crown Lands, and also in the Registry Office of the County of Ontario.

New survey to be made in Whitby and East Whitby.

Registration of survey.

Rate to be
levied to pay
for the survey.

2 The Councils of the Corporations of the said Townships shall impose and levy a rate upon the said lots in their respective Townships to defray the expense of the said survey, monuments, plan, field notes and report, and all necessary expenses connected therewith, and with the procuring of the passing of this Act.

CAP. LX.

An Act to establish and declare the mode in which the side lines of the Lots in the Township of Emily, in the County of Victoria, shall be run.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS by the petition of the Reeve of the municipal corporation and other inhabitants of the Township of Emily, in the County of Victoria, it appears that great inconvenience has resulted from the concessions in the said township having been intended to be made double fronted, but posts not having been in many cases planted at the front and rear angles of the lots in such concessions: And whereas, the said Reeve and inhabitants have by their petition prayed that the side lines in the said township may be drawn and run in manner hereinafter mentioned; and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Side lines in
the township
of Emily, how
to be run.

1. For and notwithstanding anything to the contrary in the seventy-first and nine following sections of the Act respecting land surveyors and survey of lands, being chapter seventy-seven of the Consolidated Statutes of Canada, or in the twenty-eighth and three following sections of the Act respecting the survey of lands in Upper Canada, chapter ninety-three of the Consolidated Statutes for Upper Canada, or any other Act or law: the side lines between contiguous lots in the said Township of Emily shall (except as hereafter mentioned) be drawn and run in manner following, that is to say:

1. In all cases where posts were in the original survey planted at the front angles, but not at the rear angles of any lot, the side lines of such lot shall be drawn and run from the posts at the front angles to the rear of the concession parallel with the governing line;

2. In all cases where posts were in the original survey planted at the rear angles of any lot, the side lines of such lot shall be drawn and run from the front angles of such lot parallel with

with the governing line to the centre of the concession, and from thence direct to the post at the rear angle of such lot;

3. In all cases not provided for by the preceding sub-sections of this section, the side lines between the lots shall be drawn and run from the front angles of the lots to the rear of the concession parallel to the governing line.

2. The lines so drawn and run as aforesaid shall be the true and unalterable side lines of the lots between which they are drawn and run. Which are to be the true side lines.

3. Nothing in this Act contained shall apply to that side line of any lot which lies between such lot and any road allowance which has heretofore been opened or established, but the boundaries of such road allowance as opened or established shall be and continue the true and unalterable boundaries thereof. Side lines not affected by this Act.

4. Nothing in this Act contained shall apply to any side line between lots which has heretofore been established by law, or by consent of the owners of the lots contiguous thereto. The same.

5. In case any person shall suffer any damage or injury by reason of this Act, he shall be compensated therefor by the person benefited by the change effected thereby. Persons injured to be compensated.

6. The amount of such compensation, the person by whom and to whom the same shall be paid, and the time and manner of the payment thereof, shall be determined by the award in writing of a sworn surveyor and two arbitrators, who shall be appointed by the Judge of the County Court of the said County of Victoria, and the award of the said surveyor and arbitrators or a majority of them, of and when the same shall be approved of by the said judge shall be final. Compensation to be determined by arbitration.

7. The costs of the reference and award shall be in the discretion of the surveyor and arbitrators or a majority of them; and the award made be summarily enforced in like manner as an award made under the provisions of the Common Law Procedure Act. Costs of reference. Enforcing award.

CAP. LXI.

An Act to legalize and confirm a Survey made by Charles Rankin, Provincial Land Surveyor, of certain Lots in the Fourth Concession of the Township of Colchester.

[Assented to 29th March, 1873.]

WHEREAS doubts have arisen whether that portion of the fourth concession of the Township of Colchester in which lots numbered from three to nine, both inclusive, are situated, Preamble.
was

was surveyed before patents for some of said lots were granted by the Crown ; And whereas, it appeared desirable, from the petition of the Municipal Council of the Township of Colchester, upon the application of the majority of the owners, proprietors and occupants of said lots, that a survey thereof should be made ; and Charles Rankin, Esquire, Provincial Land Surveyor, acting under the instructions of the Honourable Commissioner of Crown Lands, given pursuant to an Order in Council, dated the third day of April, one thousand eight hundred and seventy-two, has made such a survey, which is now of record in the Department of Crown Lands, and dated the fifteenth day of July, one thousand eight hundred and seventy-two ; and it is expedient that the same should be legalized and confirmed :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Survey of
Charles Rankin confirmed.

1. The survey so made by the said Charles Rankin, shall be and shall be held and deemed to be, and is hereby declared to be, to all intents and purposes, the only true and unalterable survey of lots numbers three, four, five, six, seven, eight and nine in the fourth concession of the Township of Colchester, and the lines, limits, boundaries and angles thereby established, and the monuments planted by the said surveyor to designate the same respectively, are hereby declared to be the only true and unalterable lines, limits, boundaries and angles of the said lots, and the only true and unalterable monuments to mark and designate the same respectively, any law, usage or custom to the contrary notwithstanding.

CAP. LXII.

An Act to amend "An Act to consolidate the debt of the Town of Ingersoll."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Mayor and Council of the Corporation of the Town of Ingersoll have by their petition represented that, under an Act passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chaptered twenty-eight, intituled "An Act to consolidate the debt of the Town of Ingersoll," power was reserved therein to the said corporation to issue debentures to an amount not exceeding in the whole the sum of forty-five thousand dollars ; And whereas, the whole indebtedness of the said corporation does not exceed forty-four thousand dollars, for which debentures have been issued and are now outstanding ; And whereas, for the purpose of enlarging the market and school grounds and buildings, and to make better provision for

for the protection of property against fire by erecting and establishing water works within the said corporation, and for other purposes, it has become expedient and necessary to amend the above mentioned Act, giving power to the said corporation to issue debentures for the purposes aforesaid, as the council shall think fit, to any amount not inconsistent with the Municipal Institutions Act of Ontario for the creation of debts; And whereas, it is expedient to grant the prayer of the said petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in sections one and two of the Act passed in the twenty-eighth year of the reign of Her Majesty, Queen Victoria, chaptered twenty-eight, intituled “An Act to consolidate the debt of the Town of Ingersoll,” the said corporation of the Town of Ingersoll may issue debentures in such sums and to such amounts not inconsistent with the Municipal Institutions Act of Ontario for the creation and incurring of debts, as the council of the said corporation may direct: Provided always, that the said corporation shall not issue debentures under this Act, except to renew old debentures now outstanding, until such time as a by-law providing for such issue of debentures shall have been passed by the said council, having previously received the approval of the ratepayers of the said corporation in the manner provided for the creation of debts, under the Municipal Institutions Act of Ontario.

28 V., c. 28, ss. 1 and 2, amended.

Power to issue debentures.

Provide.

2. Nothing in this Act contained shall affect the priority or validity of debentures already issued and now outstanding against the said corporation.

Prior debentures not affected.

3. Sections four, seven, eight and nine of the said statute, and all other sections therein, so far as the same are inconsistent with the provisions of this Act, are hereby repealed.

Repeal of inconsistent enactments.

CAP. LXIII.

An Act concerning certain Streets and for acquiring land for Market purposes in the City of London.

[Assented to 29th March, 1873.]

WHEREAS the corporation of the City of London have by their petition set forth that in the Crown and other surveys of the City of London certain lots of land project many feet beyond and towards the street than the adjoining

Preamble

ing

ing lots, by reason thereof the streets are irregular in width, the construction of the streets is rendered difficult, and the want of uniformity causes the adjacent land to be less valuable; And whereas, the said corporation have asked to be empowered to acquire such lands and dispose of or close such portions of said streets as may be necessary to remedy the inconveniences complained of, and have also asked for compulsory powers to acquire land for market purposes; and it is expedient to grant the said corporation the powers necessary in the premises:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation of London may survey and acquire certain lands.

1. Notwithstanding the provisions of the Municipal Acts, or of any other Act or law, it shall and may be lawful for the corporation of the City of London, without the written or other consent and against the will of the owners or occupiers thereof, or of any person interested therein, to cause surveys to be made, under the direction of the city engineer, or of a provincial land surveyor, of the lands abutting or fronting on any street in the City of London, which it may be necessary to acquire in order to make such street uniform in width, and also of any lands in the said city which the said corporation may consider it necessary to acquire, either for the purpose of enlarging the existing market, or of establishing another, or other market or markets in the said city, and to purchase, acquire, enter upon, and take the said lands, or such portion thereof as may be required for the purposes aforesaid.

Power to enter upon lands.

2. The engineer or surveyor, and other persons employed in performance of the said surveys, and for the purpose thereof, are hereby authorized to enter in and upon any lands in the said City of London.

By-laws to make certain streets uniform in width.

3. The corporation of the City of London shall have full power and authority by by-law, without the previous consent aforesaid, but after complying with the formalities by the three hundred and twenty-third section of the Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered fifty-one, intituled, "An Act respecting the Municipal Institutions of Upper Canada," or of the provisions substituted therefor by any Act passed during the present session of Parliament prescribed, to direct that any street within the said city be made uniform in width, and to order, that such improvement shall be made at the expense of the city, or that the cost thereof in whole or in part shall be assessed upon the lots or parcels of land fronting on such street, and the land when purchased or acquired under this Act for the purpose of uniformity in a street shall form part of said street.

4. In case it shall be determined that the costs of the improvement, in whole or in part, shall be assessed upon the lots or parcels of land fronting on any such street, the same shall form a lien and charge upon such lots or parcels of land in like manner as other rates and taxes, and shall, with interest at such rate, not exceeding six per centum per annum, as the said corporation shall determine, be levied and collected at such times and in such manner as the said corporation shall by law direct and appoint.

Costs, if assessed on lots, to form a lien on same.

5. The corporation, in addition to the other powers by this Act conferred, shall have full power and authority to convey a part or portion of a street to the person or persons whose land may abut in front or adjoin on the side of such street, where such portion may be conveyed as the corporation may consider necessary, in order to make such street uniform in width, and after any part of a street shall have been so conveyed, the portion so conveyed shall cease to form or be a portion of the street, but shall be vested in the owner of the land adjoining, and may be sold, conveyed and described as part of the lot it may so front on without other description.

Corporation may convey a portion of a street.

Effect of such conveyance.

6. No street shall, by virtue of this Act, be reduced to a width of less than sixty-six feet.

Minimum width of street.

7. The corporation of the City of London shall make to the owners and occupiers of, or other person interested in lands entered upon, taken or used by the corporation in exercise of the powers by this Act conferred, or injuriously affected by the exercise of such powers, due compensation for any damages necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated improvement, and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act.

Compensation, to landowners

8. Sections three hundred and twenty-six, three hundred and twenty-seven, three hundred and twenty-eight and three hundred and fifty-three with the several sub-sections thereof of the Act mentioned in the third section of this Act, intituled, "An Act respecting the Municipal Institutions of Upper Canada," or the provisions substituted therefor by any Act passed in the present Session of Parliament, shall be incorporated with and be deemed to be a part of this Act, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the sections and sub-sections of the said Act so incorporated with this Act.

Certain sections of the Municipal Act to apply to this Act.

Interpretation of the words "this Act."

9. The powers hereby conferred may be exercised by the said corporation in respect of the whole or any part of a street.

Provisions of Act extend to whole or part of a street.

CAP. LXIV.

An Act to enable the Corporation of the City of Toronto to dispose of certain lands known as the Bowes Property.

[Assented to 29th March, 1773.]

Preamble.

WHEREAS the lands hereinafter described were on the twenty-eighth day of October, one thousand eight hundred and fifty-nine, conveyed by the late John George Bowes to the Corporation of the City of Toronto and their successors forever, and were accepted by the said corporation in trust for, and dedicated and appropriated to the use of the inhabitants of the said city as a public square; and the said corporation have by their petition represented that the dedication aforesaid was voluntarily made for the sole purpose of enabling them to accept the said conveyance, and without any petition for the same from the inhabitants of the said city or any of them; and that the said lands are situated near to the University or Queen's Park, which is sufficient for the requirements of that portion of the said city; and that negotiations are now pending for the purchase of a large portion of the said park by the corporation aforesaid; and the said lands consist of a block in the City of Toronto described as follows:—Commencing at the south-east angle of Spadina Avenue and Cecil Street; thence easterly along the south side of Cecil Street four hundred and fourteen feet, more or less, to the western limit of Huron Street; thence southerly along the said limit one hundred and ninety-four feet eight inches; thence westerly, parallel to the south side of Cecil Street, four hundred and fourteen feet, more or less, to the eastern limit of Spadina Avenue; thence northerly along the said eastern limit one hundred and ninety-four feet eight inches, more or less, to the place of beginning: also, commencing at the south-east angle of Cecil and Huron Streets, thence easterly along the south side of Cecil Street two hundred and fourteen feet six inches; thence southerly, parallel to the east side of Huron Street three hundred and eighty-four feet, more or less, to Baldwin Street; thence westerly along the north side of Baldwin Street to the eastern limit of Huron Street; thence northerly along the said eastern limit three hundred and eighty-four feet, more or less, to the place of beginning:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacted as follows:—

Power of the corporation to sell the Bowes property.

1. Notwithstanding anything in the said conveyance contained, the said corporation shall have the same power to sell, lease, convey and dispose of and contract in regard to the said lands and every part thereof as any subject of Her Majesty has in regard to land possessed by him in fee simple absolute,

and

and to confirm and carry out any contract heretofore made for the sale of any portion of the said lands, or to cancel and absolutely annul the same upon tendering back to the vendee the amount of his deposit, with interest.

2 Every disposition of or contract in regard to the said lands or any part thereof which is required by law to be in writing shall be under the seal of the said corporation and signed by the mayor and chamberlain thereof for the time being.

Contracts of sales, how to be executed.

3. The proceeds of any and every disposition of the said lands, or any part thereof, by the said corporation, shall be held and applied by them to the general purposes of the said corporation.

Proceeds of sales, how to be applied.

CAP. LXV.

An Act to vest in the Corporation of the County of York, certain property situate in the City of Toronto.

[Assented to 29th March, 1873.]

WHEREAS the Corporation of the County of York have by their petition set forth that certain lands, including amongst others the parcel or tract of land and premises hereinafter mentioned, were, by Letters Patent under the great seal of the Province of Upper Canada, bearing date the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and nineteen, given and granted unto the Honourable William Dummer Powell, of the then Town of York, in the Home District, Chief Justice of the said Province; the Honourable James Baby, of the same place, Esquire; and the Honourable and Reverend John Strachan, of the same place, Doctor of Divinity, and to their heirs and assigns for ever, to have and to hold all and singular the said several parcels or tracts of land thereby given and granted to the said William Dummer Powell, James Baby and John Strachan, their heirs and assigns for ever, upon the trusts nevertheless and to and for the uses in the said Letters Patent declared concerning the same, that is to say, in trust to observe such directions, and to consent to and allow such appropriations and dispositions of them, or any of them, as the Governor, Lieutenant-Governor, or person administering the Government of the said Province, and the Executive Council therein for the time being, should from time to time make and order, pursuant to the purpose for which the said parcels or tracts of land therein granted, or any of them, were originally reserved, as in the said Letters Patent expressed, and to make such conveyance or conveyances, deed

Preamble.

or deeds, of the said parcels or tracts of land therein granted, or any part thereof, to such person or persons and upon such trusts and to and for such use or uses as the Governor, Lieutenant-Governor, or person administering the Government of the said Province, and the Executive Council thereof for the time being, should from time to time by order in writing appoint : That thereafter in the year of our Lord one thousand eight hundred and thirty-six, upon the application of the magistrates of the Home District for a grant of the parcel or tract of land hereinafter mentioned, for the purpose of having erected thereon a Gaol and Court House, it was by order in Council of the Lieutenant-Governor of the said Province and the Executive Council thereof, on the tenth day of December in the year of our Lord one thousand eight hundred and thirty-six, in writing ordered that the prayer of the said application should be granted, and that the said parcel or tract of land should be appropriated as desired by the said magistrates : That thereupon a Gaol was erected upon the said parcel or tract of land, and was occupied and maintained as such by the said the Corporation of the County of York, and such Gaol has since been maintained and still remains upon the said parcel or tract of land as erected thereon : That no conveyance or deed of the said parcel or tract of land was at any time executed by the said trustees named in the said Letters Patent, or any of them, or by any other person or persons whomsoever : That the said, the Corporation of the County of York, have succeeded to the rights and title of the Home District, and the magistrates thereof, and are entitled to the said parcel or tract of land and premises, and to have their title thereto established and confirmed, and the said parcel or tract of land vested in them : That the said trustees have all departed this life, and their heirs are dispersed and do not all reside within this Province, and it would be difficult and attended with very great expense and delay to procure a conveyance or deed of the said parcel or tract of land from all the heirs of the said trustees ; and the said the Corporation of the County of York have prayed that an Act may be passed to confirm their title to the said parcel or tract of land, and to vest the same in the said petitioners as hereinafter set forth ; And whereas, it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

County of
York gaol pro-
perty vested
in the Corpo-
ration of the
County of
York.

1. The title of the said the Corporation of the County of York, of, in and to all that parcel or tract of land and premises now in the City of Toronto, in the County of York, bounded on the north by Palace street, on the east by Parliament street, on the west by Berkeley street, and on the south by a line drawn along the top of the bank of what was known as the York Harbour, at the date of the said Letters Patent, from the foot of

of Berkeley street to the foot of Parliament street, being the block now known as the County of York Gaol property, is hereby declared to be confirmed, and the same is hereby absolutely vested in the said the Corporation of the County of York, their successors and assigns.

CAP. LXVI.

An Act respecting the Fair Ground of the County of Oxford, and the Public Square of the Town of Woodstock.

[Assented to 29th March, 1873.]

WHEREAS by letters patent, dated the third day of September, in the year of our Lord one thousand eight hundred and forty-five, certain parcels of land (hereinafter called the "Fair Ground,") being lots numbers eleven, twelve, thirteen, fourteen and fifteen, on the east side of Light Street, and lots numbers eleven, twelve, thirteen, fourteen and fifteen, on the west side of Graham Street, in the Town of Woodstock, in the County of Oxford, and Province of Ontario, were granted to the council of the District of Brock, their successors and assigns forever, in trust for the use of the inhabitants of the said district, now the County of Oxford, as a site and place for holding free fairs according to law, and for the convenient holding of such fairs: And whereas, by an Act passed by the Legislature of Ontario, in the thirty-third year of the reign of Her Majesty Queen Victoria, intituled "An Act respecting the "Fair Ground of the County of Oxford," certain powers were given to the municipal council of the County of Oxford respecting said lands: And whereas, the municipal council of the said county have prayed that an Act might be passed enabling them to sell the said "Fair Ground" to the corporation of the said Town of Woodstock, and the last named corporation have also prayed that they may be empowered to purchase the said "Fair Ground," and it is expedient to grant such prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the said County of Oxford to sell the said "Fair Ground" to the corporation of the said Town of Woodstock, their successors and assigns forever, to be held by the last named corporation as a public park, garden or walk, for the use of the inhabitants of the said town: Provided always, that if the said corporation of the Town of Woodstock shall not purchase the said fair ground, and shall not pay therefor the sum of two thousand dollars within six months

County of Oxford may sell fair ground to town of Woodstock for a park, etc.

months from the passage of this Act, it shall be lawful for the said corporation of the County of Oxford to sell the said fair grounds to such person or persons as may become the purchasers thereof in one or more parcels, and either for cash or on credit, or partly for cash and partly on credit; and in such case all the powers for the sale of the said Fair Ground, conferred by this Act for the sale thereof, on the corporation of the Town of Woodstock, shall apply to the sale hereby authorized, and in case of a sale for credit or part credit, the corporation of the said County of Oxford are hereby authorized to take security by way of mortgage on the lands so sold for any portion of the price thereof.

Proceeds of
sale of fair
ground, how
to be applied.

2. The purchase money arising from the sale of the said "Fair Ground" shall be applied by the corporation of the County of Oxford as follows:—The said corporation shall pay one-half thereof to the Agricultural Society of the north riding of the County of Oxford, to be by such society applied in the acquiring and holding of land as a site for the fairs and exhibitions of such society according to law, and the said corporation of the County of Oxford shall pay the other half of the said purchase money to the Agricultural Society of the south riding of the County of Oxford, to be used by the last named society for the purposes of and in aid of such last named society.

By-law requi-
site before sale.

3. No sale of the said "Fair Ground" shall be made until a by-law authorizing such sale shall be duly passed by the municipal council of the corporation of the County of Oxford.

Form and
effect of con-
veyance of the
fair ground.

4. The conveyance of the said "Fair Ground" to the corporation of the Town of Woodstock or to any other purchaser shall be executed by the Warden, for the time being, of the County of Oxford affixing thereto his signature, and the seal of the corporation of the County of Oxford; and such conveyance shall vest in the corporation of the Town of Woodstock, their successors and assigns, or in any purchaser, his heirs and assigns forever, all the estate and interest, both at law and in equity, of the said corporation of the County of Oxford, in the said lands, free from all trusts and purposes.

Powers of the
town as to
lands to be
purchased.

5. The corporation of the said Town of Woodstock shall have in respect of the lands so to be purchased by them all the powers contained in the Acts relating to the municipal institutions of Ontario, respecting the acquiring, selling, or managing public parks, gardens or walks.

CAP. LXVII.

An Act to enable the Corporation of the Town of Cornwall to exempt from taxation certain manufactures within the town for any period, not exceeding twenty-one years.

[Assented to 29th March, 1873.]

WHEREAS the Corporation of the Town of Cornwall by Preamble. their petition have represented that there is at the Town of Cornwall, a very extensive and valuable water power which is being used for various manufactories, and that the erection and continuance within the town of such manufactories is of great value to the same, and that it is desirable with a view to the encouragement of the same and to the promotion of the interests of the town that the said manufactories comprising the real estate buildings and machinery used in connexion therewith should be exempted from taxation: And whereas, the town of Cornwall has already agreed to exempt certain manufactories already built or being built in the said town, that is to say the Cornwall Woollen Factory Company, the Stormont Cotton Factory, built upon the property formerly owned by Angus Bethune, Esquire, and the Canada Cotton Manufacturing Company: And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the council of the corporation of the Town of Cornwall to pass by-laws exempting from municipal and school taxation the said factories within the said town, and the real estate and the buildings and machinery used or connected therewith for a period not exceeding twenty-one years, and such by-laws shall be binding upon all ratepayers of the Town of Cornwall and all other persons whomsoever.

Exemption of certain manufactures from taxation.

CAP. LXVIII.

An Act respecting the position of the Port Whitby and Port Perry Railway Company under the Acts in aid of Railways.

[Assented to 29th March, 1873.]

WHEREAS a contract was entered into by the Port Preamble. Whitby and Port Perry Railway Company on or about the fourteenth day of September, in the year of our Lord one thousand

thousand eight hundred and sixty-nine, for the construction of the portion of their Railway from Port Whitby to Port Perry, under which contract the said portion of the railway failed to be constructed, and the said Company thereupon and subsequently to the seventh day of December, in the year of our Lord one thousand eight hundred and seventy, undertook and completed the construction of the said portion of their railway, independently of the hereinbefore mentioned contract; And whereas, by reason of the said contract having been entered into as aforesaid, the said railway company is technically excluded from applying for aid under the Act in aid of Railways, passed in the thirty-fourth year of Her Majesty's reign, and the Act to make further provision in aid of railways, passed in the thirty fifth year of Her Majesty's reign; And whereas, it is desirable to remove such disability :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Port Whitby
and Port Perry
Railway Co.
not disqualified
from applying
for aid under
the Railway
Acts.

1. The Port Whitby and Port Perry Railway Company shall not be excluded from applying to the Lieutenant-Governor in Council for aid under the said recited Acts, by reason of the said contract being entered into by the said Company as in the recitals to this Act mentioned, and in so far as the said contract disqualified the said company from being entitled to any benefit under the said recited Acts, such disqualification is hereby removed.

CAP. LXIX.

An Act to incorporate "The Dresden and Oil Springs Railway Company,"

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it is expedient to grant a charter for the construction of a railway from a point at or near the Village of Dresden, in the County of Kent, to a point at or near the Village of Oil Springs, in the County of Lambton :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. James Sisk, Robert McBride, Solomon Huff, Sibree Clarke, and T. R. McInnes, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Dresden and Oil Springs Railway Company."

Corporate
name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, with respect to the first, second, third, fourth, fifth, sixth and eleventh clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties and their prosecution," "by-laws, notices, &c." "working of the railway," and "general provisions," and also the several clauses of chapter twenty-five of the Statutes of this Province passed in the thirty-fifth year of Her Majesty's reign shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act, and of

35 V., c. 25, to apply to this Act.

Interpretation of the words, "this Act."

3. The said company shall have full powers under this Act to construct a railway from some point in or near the said Village of Dresden to a point in or near the Village of Oil Springs, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands lying between the points aforesaid.

Location of line.

4. The gauge of the said railway shall not be less than four feet and eight and a half inches.

Gauge of railway.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule "A" hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Conveyances of lands.

Registration of deeds.

6. From and after the passing of this Act the said James Sisk, Robert McBride, Solomon Huff, Sibree Clarke, and T. R. McInnes, shall be the provisional directors of the said company.

Provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves; to open stock books, to make a call upon the shares subscribed therein,

Powers of provisional directors.

therein, to call a meeting of the subscribers thereto for the election of other directors, as hereinafter provided, and with all such other powers as, under the Railway Act, are vested in such boards.

Capital stock.

8. The capital of the company hereby incorporated shall be one hundred and fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into one thousand five hundred shares of one hundred dollars each.

Ten per cent.
to be paid on
stock.

9. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

Calls.

10. Thereafter calls may be made by the directors for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

General meet-
ing for election
of directors

11. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company other than by municipalities shall have been subscribed, and ten per centum thereof paid into some chartered bank of the Province, (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

How meeting
to be called in
case provision-
al directors
neglect to
call same.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are each subscribers for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon.

Notice of gene-
ral meeting.

13. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one weekly newspaper in the County of Kent and the County of Lambton, once in each week, for the space of at least four weeks, and such meeting shall be held in the Village of Oil Springs, on such day as may be named by such notice: At such general meeting, the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose five persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of
directors.

14.

14. Thereafter, the general annual meeting of the shareholders of the said company shall be held at such place, and on such days, and at such hours, as may be directed by the by-laws of the said company: And public notice thereof shall be given at least four weeks previously, in the *Ontario Gazette*, and once a week in a newspaper published in each of the Counties of Kent and Lambton. Annual meetings.

15. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, as may be provided by the by-laws of the said company. Special general meetings.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up, at least one week before the day appointed for such meeting. Scale of votes.

17. No person shall be qualified to be elected as such director, by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon. Qualification of directors.

18. Any meeting of the directors of the said company, regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

19. And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the ratepayers, as provided in the Municipal Act for the creation of debts. Aid to company from municipalities.

20. Such by-laws shall be submitted and passed in manner following, namely— Manner of submitting and passing by-laws.

1. In the case of a county municipality, by the county council, on a petition of a majority of the reeves and deputy-reeves, or of two hundred resident freeholders, who may be duly qualified voters under the Municipal Act; 2.

2. In the case of other municipalities, and of sections of such municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident freeholders, duly qualified voters, as aforesaid ;

3. And in the case of municipalities, or portions of municipalities, which form part of a county municipality, by the council of such county municipality, on the petition of fifty resident freeholders, who are duly qualified voters, as aforesaid.

The same.

21. Such by-laws shall be submitted :—

1. For raising the amount so petitioned for by the issue of debentures, payable in twenty years, by equal annual instalments of principal with interest, and for delivery to the trustees of the debentures for the amount of such aid or bonus, at the times and on the terms specified in the petition ;

2. For assessing and levying upon all the ratable property lying within the section or sections defined by the petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures, with interest thereon ; said interest to be paid yearly or half-yearly ; which debentures the municipal councils, and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such case respectively ;

And in case such by-laws be approved or carried by the majority of the votes given thereon, the proper council shall, within one month after such voting has taken place, read the said by-laws a third time, and pass the same.

Debentures to be issued within one month after the passing of the by-law.

22. And within one month after the passing of such by-law, the said council, and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Assessment when bonus granted by a municipality

23. In case any bonus be so granted by a portion of a municipality, or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Municipal Act to apply to by-laws.

24. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed, by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality.

By-laws to be valid though the annual rate exceed two cents in the dollar.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

26. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Exemption of
company from
taxation.

27. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway: and the said railway company shall have power to accept gifts of land from any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Gifts of land
to company
for right of
way, &c.

28. It is hereby enacted that whenever any municipality or portion or portions of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-laws authorizing the same, be delivered to three trustees, one to be named by the Lieutenant-Governor in Council, one by the said company, and one by the warden of the counties of Kent and Lambton, and in case of gifts by individuals or bodies politic or corporate other than municipalities, the same shall be delivered to the same persons, unless the said company and such individuals or bodies politic or corporate shall agree on some other person or persons for that purpose, or shall agree that the same shall be delivered to the said company: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice to him in writing requiring him to appoint a trustee, the said company shall be at liberty to name a trustee in the place of the one to have been named by the said Lieutenant-Governor in Council.

Trustees of
debentures.

29. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or remove out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Appointment
of new trustees

30. The act of any two such trustees shall be as valid and binding as if the three had agreed.

31. Act of two
trustees to be
binding.

Trusts on
which the de-
bentures are to
be held.

31. The said trustees shall receive the said debentures in trust to deposit the same in some chartered bank of this Province, and to deliver the same to the company when and as may be agreed upon between the parties: and in case there shall be no agreement between the parties then to deliver the same to the company *pro rata* according to the work done per mile, on the certificate of the chief engineer of the company, specifying the value and nature of the work done, and the length thereof in the form of schedule "B" hereto annexed.

Counties may
issue debentures instead
of townships.

32. Any county in which is or are situated a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on resolution being passed to that effect by a majority of the county council.

Company may
make negotiable instru-
ments.

33. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, or shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Power to ac-
quire lands for
stations, gravel
pits, &c.

34. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway; and to sell and convey the same or part thereof, from time to time, as they may deem expedient.

Company may

35. It shall be lawful for the said company to enter into any

any agreement with any other railway company in the Province of Ontario for leasing the said railway, or any part thereof, or for the use thereof, at any time or times, or for any period, to such other company, or for the leasing or hiring any locomotives, tenders, or moveable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either or of both, or any part thereof; or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company, as well as any other corporation, may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred: Provided however, that any lease or agreement authorized by this section shall be subject to the approval of a majority of the shareholders obtained at a special general meeting, convened according to the by-laws of the company for considering the same.

enter into certain agreements with other railways.

36. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote in the same and to be eligible to office in the said company.

Rights of aliens.

37. The railway shall be commenced within two years and completed within four years after the passing of this Act, or else the charter shall be forfeited.

Commencement and completion of railway.

38 The said railway company shall at all times receive and carry cordwood at a rate to be fixed by the Lieutenant-Governor in Council.

Conveyance of Cordwood

SCHEDULE "A."

(Section 5.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor or vendors*], in consideration of dollars paid to me (or us) by the Dresden and Oil Springs Railway Company, the receipt whereof is hereby acknowledged,

acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*], in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or, those certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said The Dresden and Oil Springs Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*]; and I, the wife of the said _____, do hereby bar my dower in the said lands.

As witness my (or our) hand and seal (or hands and seals),
 this _____ day of _____ one thousand eight hundred
 and _____

Signed, sealed and delivered }
 in the presence of }

(L.S)

SCHEDULE "B."

(Section 31.)

CHIEF ENGINEER'S CERTIFICATE.

THE DRESDEN AND OIL SPRINGS
 RAILWAY COMPANY'S OFFICE,
 Engineer's Department,
 _____, A.D. 18 ____

No. _____
 Certificate to be attached to cheques drawn on The Dresden
 and Oil Springs Railway Municipal Trust account, and given
 under section _____ of cap. _____, 36 Vic.:

I, _____, chief engineer for The Dresden and Oil
 Springs Railway, do hereby certify that there has been expended
 in the construction of mile No. _____ the sum of
 dollars to date, and that the total *pro rata* amount due for the
 same from the said Municipal Trust account amounts to the
 sum of _____ dollars, which said sum of
 dollars is now due and payable, as provided under said Act.

CAP. LXX.

An Act to incorporate "The Erie and Huron Railway Company."

[Assented to 29th March, 1873.]

WHEREAS the construction of a railway from a point on Preamble.
the Rondeau at or near the Village of Rondeau Harbour, on Lake Erie, in the County of Kent, and from thence to a point in or near the Village of Blenheim, and thence to a point in or near the Town of Chatham, and from thence to a point in or near the Village of Dresden, in the County of Kent, and from thence to a point at or near the Village of Petrolia, in the County of Lambton, thence to some point in or near the Village of Erroll, in the Township of Plympton, on or near the shore of Lake Huron, and from thence to the Town of Sarnia, or Point Edward, in the County of Lambton, has become desirable for the development of the resources of certain portions of the said Counties of Kent and Lambton, and for the public convenience and accommodation of the inhabitants thereof:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Wm. McKeough, Robert Lowe, Stephen White, Alexander Incorporation.
Trerice, P. G. Close, R. O. Smith, N. H. Stevens, Duncan McNaughton, John Lamb, Joseph Northwood, J. D. Ronald, T. H. Taylor, D. R. Van Allen, Peter E. McKerrall, J. D. Irwin, James Smyth, Richard Brayne, Robert Smith, A. McNabb, Rufus Stephenson, M.P.; A. B. McIntosh, John Duck, J. E. Smith, D. J. Vanvelson, M.D.; C. R. Atkinson, James Lamont, Alfred Bisnett, Hon. J. B. Robinson, W. S. Stripp, G. P. Shears, Wm. D. Eberts, M. Clancy, Isaac Swarthout, D. Wilson, John Michie, Wm. Douglas, C. G. Charteris, John Langford, C. P. Watson, T. W. Wright, E. Bedford, Arthur Anderson, William Arthurs, James Smith, John Cameron, John A. Ash, W. Hamilton, jr.; James Dawson, M.P.P.; R. S. Woods, Lionel Johnson, Dr Newman, J. Lillie, James Keating, Andrew Elliott, and George D. McPherson, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of Corporate name.
"The Erie and Huron Railway Company."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," Certain clauses of the Railway Act to apply.
"general

Interpretation
of the words
"this Act."

"general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c." "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Location of
line

3. The said company shall have full power under this Act to construct a railway from any point in or near Rondeau Harbour, and through or near the Village of Blenheim, and from thence through, in, or near the Town of Chatham, crossing the River Thames, through or near the said Town of Chatham to a point in or near the Village of Dresden, there to unite by purchase or arrangement satisfactory to the directors of the proposed Dresden and Oil Springs Railway Company; but in case the said Erie and Huron Railway Company cannot make satisfactory arrangements with the said Dresden and Oil Springs Railway Company, then the said Erie and Huron Railway Company may construct their line from Dresden to or near Petrolia, independent of the said other line, and thence to proceed over the proposed road of the said company and to a point as near the Village of Petrolia as convenient for said Railway Company, thence to a point on the Grand Trunk Railway at or near the Village of Erroll, in the township of Plympton and thence, to the Shore of Lake Huron, and thence to or near the Town of Sarnia or Point Edward, in the County of Lambton, with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown Lands lying between the points aforesaid; and the said company may within five years construct a branch from some point on the main line at or near the Town of Chatham to the Village of Wallaceburg, and thence to some point on the River St. Clair at or near Sombra Village.

Gauge.

4. The said railway may be of any gauge.

Form of con-
veyances to
the company.

5. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the Schedule "A" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including

Registration.

all

all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

6. From and after the passing of this Act the said several persons named in the first section of this Act shall be the provisional directors of the said company. Provisional Directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons, who being so named shall become and be provisional directors of the company equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act, and any other law in force in Ontario are vested in such boards. Powers of provisional directors.

8. The capital of the company hereby incorporated shall be one hundred and fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into fifteen hundred shares of one hundred Dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock. Capital stock.

9. On the subscription for shares of the said capital stock, each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank, to be designated by the directors to the credit of the said company. Ten per cent. of stock to be paid up.

10. Hereafter calls may be made by the directors for the time being, as they shall see fit; provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor at intervals of less than thirty days. Calls.

11. As soon as shares to the amount of seventy thousand Meeting for election of directors.
Z dollars

dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the City of Toronto, (which shall on no account be withdrawn therefrom, unless for the service of the company) the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

Neglect to call meeting for election of directors.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of meeting.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the Counties of Kent and Lambton, once in each week for the space of at least four weeks, and such meeting shall be held as the directors may determine at such place and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

Annual meetings.

14. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in each of the Counties of Kent and Lambton.

Special meetings.

15. Special general meetings of the shareholders of the said company may be held at such place as the directors may determine, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Scale of votes.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

17. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Qualification
of directors.

18. Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of
directors.

19. And it shall further be lawful for any municipality or municipalities, or any county municipality or any portion of any such municipality or municipalities or county municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning, or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to, or in aid of the company and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a municipality the bonds or debentures so granted shall be the bonds or debentures of the municipality, and that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

Aid to com-
pany from mu-
nicipalities.

20. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such municipality;

If a portion of
a municipality
desire to aid,
the council to
pass a by-law.

For issuing
debentures.

1. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

For levying a
rate.

2. For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments, and interest, said interest to be payable yearly or half yearly; which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Council to pass
by-laws if ap-
proved of by
the ratepayers.

21. And in case such by-law be approved or carried by the majority of the votes given thereon then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

Issue of the
debentures.

22. And within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof, and the other officers, thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Levying rate
for payment
of the debentures.

23. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Certain provi-
sions in the
Municipal Act
applicable.

24. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a municipality, to the same extent as if the same had been passed by or for the whole municipality.

By-laws for
levying the
annual rate.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Exemption
from taxation.

26. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation; or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term

of

of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

27. Any municipality which shall grant a bonus of not less than sixty thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality and such director shall be, in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Certain municipalities may appoint directors.

28. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures thereof shall within six weeks after the passing of the by-law authorizing the same be delivered to three trustees to be appointed as follows: one by the reeves of the municipalities in the counties of Kent and Lambton, through which the said railway passes, one by the railway company, and one to be named by the Lieutenant-Governor in Council; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requesting him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Debentures to be delivered to trustees.

29. Any of the said trustees may be removed, and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company.

Appointment of new trustees.

30. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Acts of two trustees to be binding.

31. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the City of Toronto, in the name of "The Erie and Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount

Trusts upon which the debentures are to be held.

amount per mile for the length of the road or portion of the road, to be applied on the work so done, and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer shall be punishable by penalty of not less than one hundred dollars recoverable in any court of competent jurisdiction in the Province of Ontario.

Towns &c., debentures may be exchanged for county debentures.

32. Any county in which is or are situated a town or township, or townships, or portion of a township, that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such town, or township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Issue of bonds by the company.

33. The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile of said road; And provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Rights of bondholders when interest is in arrear.

Negotiable instruments.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum

rum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; or shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only; the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time, as they may deem expedient. Power to acquire lands.

36. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Acquiring gravel, &c.

37. When said gravel, stone or other materials shall be taken under the preceding section of this Act at a distance from the line Laying tracks to gravel pits.

line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said Company's Act, except such as relate to filing plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Commence-
ment and com-
pletion of rail-
way.

38. The railway shall be commenced within two years, and completed within five years after the passing of this Act, or else the charter shall be forfeited, so far as relates to so much of the railway as may not then be completed.

Carriage of
cordwood.

39. The said railway company shall at all times receive and carry cordwood, or any wood or fuel, at a rate not to exceed, two cents per mile per ton on the whole mileage from all stations exceeding fifty miles, and at a rate not exceeding three cents per ton per mile from all stations under fifty miles; the company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

SCHEDULE "A."

(Section 5.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by "The Erie and Huron Railway Company," the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land, situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their said railway; to hold with the appurtenances unto the said "The Erie and Huron Railway Company," their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said do hereby bar my claim (or our) dower in the said lands.

As

As witness my (*or our*) hand and seal (*or hands and seals*)
 this day of one thousand
 eight hundred and

Signed, sealed and delivered }
 in the presence of } [L. S.]

SCHEDULE "B."

(*Section 31.*)

CHIEF ENGINEER'S CERTIFICATE.

THE ERIE AND HURON RAILWAY COMPANY'S OFFICE,
 No. A. D. 18

Certificate to be attached to cheques drawn on the Erie and
 Huron Railway Municipal Trust Account, and given under
 section of cap. , 36 Vic.

I, chief engineer for "The Erie
 and Huron Railway Company," do hereby certify that there
 has been expended in the construction of mile No.
 (the said mileage being numbered consecutively from the point of
 commencement at Rondeau) the sum of dollars
 to date, and that the total *pro rata* amount due for the same
 from the said municipal trust account, amounts to the sum
 of dollars, which said sum of
 dollars is now due and payable as provided under said Act.

CAP. LXXI.

An Act to incorporate "The Guelph and Collingwood Railway Company."

[*Assented to 29th March, 1873.*]

WHEREAS the construction of a railway from a point in Preamble.
 or near the Town of Guelph to the Village of Orangeville
 and from thence to the Town of Collingwood, has become de-
 sirable for the development of the resources of certain portions
 of the Counties of Wellington and Simcoe, and for the public
 convenience and accommodation of the inhabitants thereof:

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

I. Adam Robertson, Richard Mitchell, David Stirton, M.P., Incorporation.
 James Massie, Frederick Jasper Chadwick, James Goldie, Peter
 Gow,

Corporate
name.

Gow, M.P.P., Charles Davidson, John Horsman, John Hogg, Donald Guthrie, John C. McLagan, Charles Raymond, and David Allan, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "The Guelph and Collingwood Railway Company."

Certain clauses
of the Railway
Act to apply,

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway" and "general provisions," together with all Acts in force in this Province amending the said Railway Act, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation
of the words,
"this Act."

Construction
of railway.

3. The said company shall have full power under this Act to construct a railway from any point in or near the Town of Guelph, to a point in or near the Village of Orangeville, to a point at or near the Town of Collingwood, with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands, lying between the points aforesaid.

Gauge of rail-
way.

4. The said railway may of be any gauge.

Form of con-
veyances to
company.

5. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the Schedule "A," hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

How to be
registered.

Provisional
directors.

6. From and after the passing of this Act, the said Adam Robertson,

Robertson, Richard Mitchell, David Stirton, M.P., James Massie, Frederick J. Chadwick, James Goldie, Peter Gow, M.P.P., Charles Davidson, John Horsman, John Hogg, Donald Guthrie, John C. McLagan, Charles Raymond, and David Allan, shall be the provisional directors of the said company.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act, and any other law in force in Ontario are vested in such boards.

Powers of provisional directors.

8. The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Capital stock of the company.

Application of the money raised on the stock.

9. On the subscription for shares of the said capital stock each subscriber shall pay into some chartered bank to be designated by the directors, to the credit of the company, ten per centum of the amount subscribed by him.

Ten per cent. to be paid on subscriptions for shares.

10. Hereafter calls may be made by the directors for the time being, as they shall see fit; provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

Future calls.

11. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed,

General meeting for election of directors.

scribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Guelph (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company.

How meeting
to be called, if
provisional di-
rectors neglect
to call the
same.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of gen-
eral meeting.

13. In either case notice of the time and place of holding such general meetings shall be given by publication in the *Ontario Gazette*, and in one daily newspaper in the Town of Guelph, once in each week, for the space of at least four weeks; and such meeting shall be held in the Town of Guelph at such place therein, and on such day as may be named by such notice at such general meeting; the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules and regulations and by-laws, as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meet-
ing, when and
where to be
held.

14. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Guelph, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the Town of Guelph.

Special general
meetings, when
and where to
be held.

15. Special general meetings of the shareholders of the said company may be held at such places in the Town of Guelph, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Scale of votes.

16. Every shareholder of one or more shares of the said capital stock, shall at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up, at least one week before the day appointed for such meeting.

Only share-
holders who
have paid up
to vote.

Qualification of
directors.

17. No person shall be qualified to be elected as such director

tor by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

18. Any meeting of the directors of the said company regularly summoned at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Quorum of directors.

19. And it shall further be lawful for any municipality or municipalities, or any county municipality or any portion of any such municipality or municipalities, or county municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that no such aid, loan, bonus or guarantee shall be given, except, after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

Municipalities may aid.

20. In case the majority of the persons rated on the last assessment roll as freeholders who may be qualified voters under the Municipal Act in any portion of a municipality do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality the majority of the reeves and deputy-reeves for those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy-reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor the council of such municipality shall pass a by-law and submit the said by-law to the vote of the qualified ratepayers:

If a portion of municipality desire to aid, council to pass a by-law.

1. For raising the amount so petitioned for by such freeholders or such reeves and deputy reeves in such portion of the municipality by the issue of debentures of the municipality payable in twenty years, or by annual instalments of principal with interest and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition:

For issuing debentures.

2. For assessing and levying upon all the ratable property lying within the section defined by said petition an annual special

For assessing and levying an annual special rate.

special rate as nearly equal as may be sufficient to include a sinking fund, or the instalment of principal, in payment of the debentures with interest thereon, said interest to be payable yearly or half-yearly, which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

If by-law carried by rate-payers, council to pass the same,

21. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same.

and issue debentures.

22. And, within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof and the other officers thereof shall issue the debentures for the bonus thereby granted and deliver the same to the trustees appointed or to be appointed under this Act.

How rate to be levied.

23. In case any bonus be so granted by a portion of municipality or county municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality or county municipality.

Provisions of Municipal Act to apply to by-laws.

24. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same has been passed by or for the whole municipality or county municipality.

By-law to be valid, though annual rate exceed two cents in the dollar.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid although the amount of the annual rate, to be levied in pursuance thereof, shall exceed two cents in the dollar.

Municipalities through which railway passes may exempt it from taxation.

26. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to fix the assessable value thereof for a definite period, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and no such by-law shall be repealed unless in conformity with any condition contained in such by-law.

27. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality and such directors shall be, in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Appointment
of directors by
municipalities.

28. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees namely, Frederick William Stone and George Elliott, of the Town of Guelph, and one to be named by the Lieutenant-Governor in Council: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee, within one month after notice in writing to him requiring him so to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Appointment
of trustees.

Provido.

29. Any of the said trustees may be removed, and a new trustee appointed in his place, at any time by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said Company.

Vacancies in
the office of
trustees.

30. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two
trustees to be
binding.

31. The said trustees shall receive the said debentures in trust—firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the Town of Guelph in the name of "The Guelph and Collingwood Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, or portion of the road, to be applied on the work so done; and such certificates shall be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer shall be punishable by fine of not less

Trusts on
which debentures to be
held.

less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court.

Application of bonuses, if certain municipalities decline to aid.

32. In case the municipalities lying to the north of Orangeville decline to grant the required bonuses, it shall and may be lawful for the trustees to apply all the bonuses obtained from the municipalities between Guelph and Orangeville to that portion of the line of railway.

Application of bonuses, if granted on both parts of the line.

33. In case bonuses are granted as required on both parts of the line, then it shall and may be lawful for the trustees to apply the bonuses *pro rata* over the whole line.

Counties granting bonuses may take the debentures of townships.

34. Any county in which is or are situated a township or townships, or portion of a township, that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor, to hand over to the trustees, under this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Issue of bonds.

35. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, including rolling stock and equipment then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile of railway, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way, and works of construction and equipment, upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Province of Ontario: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors

Proviso.

Rights of bondholders at annual meetings when interest is unpaid.

tors

tors and for voting as are attached to shareholders: provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

36. All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Securities may be payable to bearer.

37. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may make promissory notes.

38. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only; the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same, or part thereof, from time to time, as they may deem expedient.

Power to acquire lands.

39. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial surveyor to make a

Acquiring gravel, &c.

A A

map

map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case of arbitration, is resorted to, to state the interest required.

Laying tracks
to gravel
pits.

40. When said gravel, stone or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said Company's Act, except such as relate to filing plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Commence-
ment and com-
pletion of rail-
way.

41. The railway shall be commenced within two years, and completed within five years, after the passing of this Act, or else the charter shall be forfeited, so far as relates to so much of the railway as may not then be completed.

Regulations as
to carriage of
wood.

42. The said railway company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed for dry wood two and a half cents per mile per cord from all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile from all stations under fifty miles, in full car loads; and for green wood at the rate of two and a half cents per ton per mile. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Agreements

43. The company incorporated by this Act may enter into any

any arrangements with any other railway company or companies, for the working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies, any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property, from such companies or persons; and generally to make any agreement or agreements with any other company, touching the use, by one or the other, or by both companies of the railway, or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and also to agree for the complete amalgamation or union of the said company with any other company, upon such terms and conditions as may be deemed expedient, and any such agreements above mentioned shall be valid and binding, according to the terms and tenor thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained, at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act: And the company or companies leasing or entering into agreements for using the said line, may, and are hereby authorized, to work the said railway in the same manner and in all respects as if incorporated with its own line.

SCHEDULE "A."

(Section 5.)

Know all men by these presents that I, _____, in consideration of _____ paid to me by The Guelph and Collingwood Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I _____ in consideration of _____ paid to me by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel of land situate _____ the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said The Guelph and Collingwood Railway Company, their successors and assigns, and I, _____ of the said _____ hereby bar my daughter in the said lands.

As witness my hand and seal this _____ of
one thousand eight hundred and _____

Signed, sealed and delivered }
in the presence of }

(L.S.)

SCHEDULE

SCHEDULE "B."

(Section 31.)

CHIEF ENGINEER'S CERTIFICATE.

THE GUELPH AND COLLINGWOOD RAILWAY COMPANY'S OFFICE.
Engineer's Department, A.D. 18

No.

I, Chief Engineer of The Guelph and Collingwood Railway Company, do hereby certify that there has been expended in the construction of Mile Number (the said mileage being numbered consecutively from the boundary of the Town of Guelph) the sum of _____ to date, and that the total *pro rata* amount due for the same from the said municipal trust amounts to the sum of _____ which is now due and payable as provided under said Act.

CAP. LXXII.

An Act to Incorporate "The Hamilton, Guelph and Orangeville Railway Company."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS Anthony Copp, John Stuart, P. W. Dayfoot, Adam Hope, Charles Hope, A. T. Wood, John Clement, Thomas Attridge, John Bennet, Thomas McQueen, F. W. Hore, Thomas Stock and others, have petitioned the Legislature of this Province, for an Act of incorporation to construct a railway from the City of Hamilton or some point near thereto, through the County of Wentworth and the County of Wellington, to a point at or near the Town of Guelph, and from thence to Orangeville, which would tend to develop the resources of the country, and give railway facilities to portions of the country hitherto untraversed by railways, and it is expedient to grant the prayer of the petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said parties above named, together with such persons and corporations, shall in pursuance of this Act become shareholders in the said company, hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of "The Hamilton, Guelph and Orangeville Railway Company."

Name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof; and also, the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be part of this Act, and any Act amending the Railway Act and in force in this Province, shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Certain clauses
of the Railway
Act to apply.

Interpretation
of the words
"this Act."

3. The company hereby incorporated and their agents or servants, shall have full power and authority under this Act, to lay out, construct and finish an iron railway, from such point near or within the limits of the City of Hamilton, on the shore of Burlington Bay, or as near thereto as may be deemed desirable, and continuing the same through the County of Wentworth, and through the County of Wellington, to a point at or near the Town of Guelph, and from thence to Orangeville, with power to construct the same in sections; and it shall and may be lawful for the said company to take and appropriate for the use of said railway and the works connected therewith, so much of the land as may be necessary for the works of the said railway, but not to alienate the same.

Location of
railway.

4. The capital of the company hereby incorporated, shall be one hundred and fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into one thousand five hundred shares, of one hundred dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Capital stock.

5. Anthony Copp, John Stuart, P. W. Dayfoot, Kenny Fitzpatrick, William Hendrie, A. T. Wood, Benjamin Charleston, T. H. McKittrick, Robert Christy, Thomas Stock, Thomas Bain, Adam Brown, James Turner, William McGiverin, Alexander McMonies, James Hamilton, Edward Martin, Donald MacInnes,

Provisional
directors.

MacInnes, Charles R. Mundy, John Roach, and George Roach shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be lawful for the provisional directors for the time being of the said company, or of a majority of the directors present, at a meeting called for the purpose, to supply the place or places of any of their number from time to time, dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting of directors, called for the purpose of deciding thereon, not more than five other directors who shall thereupon become and be directors of the company, equally with themselves; which appointments whether by reason of death or resignation, or the association of not more than five other directors shall be made from the several subscribers for stock in the said railway company, to the amount of five hundred dollars each, during the period of their continuance in office, and on which ten per centum shall have been paid.

Powers of
provisional
directors.

6. The said board of provisional directors shall have full power to open up stock books, and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys and plans to be executed; and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books, giving at least one week's notice in one paper published in the City of Hamilton, and some one paper published in each county through which the road is proposed to pass of the time and place of meeting; to open such books and receive such subscriptions; and the said committee or a majority of them may in their discretion exclude any person from subscribing, who in their judgment would hinder or delay the company in proceeding with the railway.

When meeting
for election of
directors may
be called.

7. When, and so soon as shares to the amount of fifty thousand dollars in the capital stock of the company shall have been subscribed and ten per centum shall have been paid into one of the chartered banks of the Province or of the Dominion, or when and so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus or in the subscription to the capital stock shall amount to such a sum of fifty thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks of the Province or with the Provincial Treasurer, in the names of trustees as hereafter provided, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least two weeks' notice in a paper published in the City of Hamilton, and in each of the counties affected, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting

meeting the shareholders present, either in person or by proxy, Who may vote at such meeting. and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed; which said directors together with the *ex-officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first Tuesday in May in the year following their election.

8. The sums so paid shall not be withdrawn from the bank Sums and debentures deposited, application of. except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same, and the railway company in relation thereto.

9. The directors for the time being may from time to time make calls as they shall think fit: Provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder; and thirty days' notice shall be given of each call, as provided in section seven. Power to limit amount of calls.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of Hamilton, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette* and once a week in one daily newspaper published in the City of Hamilton, and in some one newspaper in each of the counties which have granted bonuses or subscribed for stock. General annual meetings.

11. Special general meetings of the shareholders of the said company, may be held at such places in the City of Hamilton, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. Special general meetings.

12. In the election of directors under this Act, no person shall be elected a director, unless he shall be the holder and owner of at least five shares of the stock of the said company, upon which all calls have been paid up. Qualification of Director.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of Aliens.

14. At all meetings of the board of directors, whether of provisional directors, or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; Quorum.

ness; and the said board of directors may employ one of their number as paid director.

**Municipalities
to submit by-
laws for aid,
on being peti-
tioned.**

15. In case fifty persons at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway, by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid, in any portion of the said Township municipality, do petition the council of any such municipality to pass a by-law, in such petition defining the metes and bounds of the portion of the said township municipality from which such aid is proposed to be given, within which the property of the petitioners is situate, and expressing the desire of said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality: and in case aid is desired from any county municipality, upon the petition of at least fifty persons who are qualified voters in each such county municipality; and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons, qualified voters, from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such county municipality, as reside in the said portion from which aid is desired; and in case of a portion of a county do. in such petition, define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality, forming the portion of the county municipality that may be asked to grant aid, and in either case, in such petition expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality

municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters ;

1. For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves in such portion of a township or county municipality, by the issue of debentures of the municipality, payable in twenty years, or earlier, or by annual instalments, and for the delivery to trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition ;

2. For assessing and levying upon all the ratable property lying within the section defined by said petition an annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly ; which debentures the municipal councils and the wardens, reeves, and other officers thereof, are hereby authorised to execute and issue in such cases respectively : Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors voting thereon, in the municipality or portion of a township or county municipality petitioning as aforesaid.

16. It shall be the duty of the warden or other head of the council, upon such petition, to call a meeting of the council, for the purpose of introducing such by-law, and submitting the same to the ratepayers : and within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed, or to be appointed, under this Act.

After passing
By-law, debentures to issue.

17. In case any bonus be so granted by a portion of a local municipality, or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality or county municipality.

Assessment on
portion of a
municipality.

18. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed, by or for a portion of a municipality, or a portion of a county municipality to the same extent as if the same had been passed by, or for the whole municipality or county municipality.

Municipal Acts
applied.

19. All by-laws to be submitted to such vote, for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents on the dollar of the ratable property affected thereby, shall be valid.

Assessments
not to exceed
three cents in
the dollar.

Power to
exempt from
taxation.

20. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, and to fix the assessable value of said property for a term of years, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation, or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Municipal
directors.

21. Any county municipality which shall grant not less than five thousand dollars per mile for the line of the railway within the said county in aid of the said company shall be entitled through its council to name its warden as director in the said company as the representative of such municipality; and such director shall be a director in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal
debentures
delivery to
trustees.

22. Whenever a municipality or municipalities shall grant a bonus to aid the said company, the debentures therefor shall be, within six weeks after the passing of the by-law, delivered to three trustees, one to be named by the company, one by the municipalities granting such bonuses, and one by the Lieutenant-Governor in Council: Provided always, that if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee; in the event of the death, resignation or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may appoint a successor, and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee.

Trusts of
debentures.

23. The said trustees shall receive the said debentures in trust; firstly to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the City of Hamilton, in the name of "The Hamilton, Guelph and Orangeville Railway Municipal Trust account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule "A" hereto, or to the like effect, setting out the portion

portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate to be attached to the cheque to be drawn by the said trustees.

24. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Two trustees may bind the three.

25. Any county in which is or are situate a township or townships, or portion of a township, that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Township debentures may be exchanged for those of the county.

26. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile, unless the rolling stock of such railway shall have been furnished complete by the said company, in which case such bonds may be issued to the amount of eighteen thousand dollars per mile: Provided however, that the bonds to be issued shall not at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Power to issue preferential bonds.

Bonds, etc.
transferable
by delivery.

27. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Power to
become
parties to
notes, etc.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction or authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to circulate as money, or as the notes or bills of a bank.

Power to ac-
quire lands for
stations, &c.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, ballast for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands; and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof, from time to time as they may deem expedient.

Acquiring
gravel, &c.

30. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply

apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case of arbitration, is resorted to, to state the interest required.

31. When said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said Company's Act, except such as relate to filing plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Laying tracks
to gravel pits.

32. The railway shall be commenced within two years, and completed within five years after the passing of this Act.

Commence-
ment and com-
pletion of rail
way.

33. The said railway company shall at all times receive and carry cordwood, or any wood or fuel at a rate not to exceed for dry wood, three cents per mile per cord from all stations exceeding fifty miles, and at a rate not exceeding three and a half cents per cord, per mile, from all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton, per mile; the company shall, further, at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Rates for car-
rying wood.

34 The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other movable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies of the railway, or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and also, to agree for the total amalgamation

Arrangements
may be made
with other
companies.

tion

tion of the said company with any other company upon such terms and conditions as may be deemed expedient, and any of such agreements above mentioned shall be valid and binding according to the terms and tenor thereof: Provided, that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line, may, and are hereby authorised to work the said railway in the same manner and in all respects as if incorporated with its own line.

Power to
pledge bonds.

35. The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Conveyance of
lands.

36. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule "B" hereunder written or the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

SCHEDULE "A."

(Section 23.)

CHIEF ENGINEER'S CERTIFICATE,
THE HAMILTON, GUELPH AND ORANGEVILLE
RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT,
A.D., 18 .

No.

Certificate to be attached to cheques drawn on "The Hamilton, Guelph and Orangeville Railway, municipal trust account," and given under section of chapter 36 Victoria.

I chief engineer of "The Hamilton, Guelph and Orangeville Railway Company," do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the City of Hamilton) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said municipal trust account amounts to the sum of dollars

dollars

dollars which said sum of _____ dollars is now
due and payable as provided under said Act.

SCHEDULE "B."

(Section 36.)

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of dollars paid to me (or us) by "The Hamilton, Guelph and Orangeville Railway Company," the receipt whereof is hereby acknowledged do grant and convey, and I (or we) [*insert the name or names of any other party or parties*] in consideration

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of this railway to hold with the appurtenances unto the said "The Hamilton, Guelph and Orangeville Railway Company," their successors and assigns (*here insert any other clauses, covenants or conditions required*): And I (or we) the wife (or wives) of the said _____, do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)
this day of one thousand eight hundred and

Signed sealed and delivered
in the presence of

(L.S.)

CAP. LXXIII.

An Act to incorporate "The Prince Edward County
Railway Company."

[Assented to 29th March, 1873.]

WHEREAS Henry Shackell, Henry Hogan, M. H. Preamble.
Gault, T. E. Foster, Charles Bockus, John P. Roblin,
William H. R. Allison, James Gillespie, and Philip Low have
petitioned the Legislature for an Act of incorporation to con-
struct a railway from a point on the Grand Trunk Railway of
Canada, at or near the Village of Trenton or the Village
of Brighton, to the Town of Picton, in the County of
Prince Edward, with power to extend eastward to South Bay
or Point Traverse, in the Township of South Marysburg, in said
county; and it is expedient to grant the prayer of the said
petition:

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. Henry Shackell, Henry Hogan, M. H. Gault, T. E. Foster, Charles Bockus, John P. Roblin, William H. R. Allison, James Gillespie, Donald Campbell, and Philip Low, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby ordained, constituted, and declared to be a body corporate and politic, by and under the name and style of "The Prince Edward County Railway Company."

Corporate Name.

Certain clauses of the Railway Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto, with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation" "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express provisions hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation of the words "this Act."

Location of the line of railway.

3. The said company shall have full power and authority to lay out, construct, and complete a double or single iron railway from any point on the Grand Trunk Railway of Canada between the Village of Trenton and the Village of Brighton to the Town of Picton, with power to extend the same eastward to South Bay or Point Traverse, in the Township of South Marysburg, and with full authority to pass over any of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

Provisional directors.

4. The said Henry Shackell, Henry Hogan, M. H. Gault, T. E. Foster, Charles Bockus, John P. Roblin, William H. R. Allison, James Gillespie, Donald Campbell and Philip Low, shall be and are hereby constituted provisional directors of the said company, with power to add to their number, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; to cause surveys

and

and plans to be made and executed; and, as hereinafter provided, to call a general meeting of the shareholders for the election of directors; and with all such other powers as under the Railway Act are vested in ordinary directors.

5. The capital stock of the company hereby incorporated shall be seven hundred thousand dollars, with power to increase the same by a vote of a majority of the stockholders to the sum of one million dollars in case the extension from Picton to South Bay or Point Traverse shall be made, to be divided into shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such company, and be called in at such times and in such sums as a majority of the directors may from time to time direct; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the work hereby authorized; and the remainder of such money so raised shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act, and to no other purpose whatever.

Capital stock.

Application of the money raised on the stock.

6. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the said company shall pass or be situated, or which may be benefited thereby, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, or otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that such aid, loan, bonus, or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions in respect of the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property: Provided that the annual rate of assessment shall not in any case exceed, for all purposes, three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt.

Municipalities may aid by granting bonuses.

Such aid to be granted by by-law.

7. It shall also be lawful for any portion of a municipality which may be benefited by the railway hereby authorized to be constructed, to grant aid to said railway under and in conformity with the provisions of the Municipal Institutions Act in that behalf.

If a portion of a municipality desire to aid.

8. So soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum paid thereon and deposited in one of the chartered banks

General meeting for election of directors.

banks of this Province for the purposes of the said company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors of said company; and no portion of such money shall be withdrawn except for the legitimate purposes of the company.

General meeting, how called if provisional directors neglect to call the same.

9 In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any seven of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than two thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

10 In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the Town of Picton, and in one newspaper (provided there be any) published in each of the counties through which the said railway is intended to pass, once in each week for the space of at least a month; and such meeting shall be held in the Town of Picton, at such place therein, and on such day as may be named by such notice.

Election of directors.

11 At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company; and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification of directors.

12 No person shall be qualified to be elected as such director unless he be a shareholder, holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual meetings.

13 Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Picton, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in the counties through which the railway runs.

Notice thereof.

Special meetings.

14 Special general meetings of the shareholders of the said company may be held at such places in the Town of Picton, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Issue of bonds.

15 The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called, from time to time, for such purpose,

pose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for the prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, its rolling stock and equipment, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Rights of
bondholders
when interest
is in arrear.

16. The amount of bonds to be issued by the said company as provided in the next preceding section, shall not exceed nine thousand dollars per mile of the said railway actually under construction at the time of such issue: Provided that such bonds shall not be issued at any one time in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way, and in works of construction and equipment, upon the line of the said railway, or superintendence of the same, or materials actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec.

Amount and
manner of
issuing bonds.

17. All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such, so made payable to bearer, may sue at law thereon in his own name.

Securities may
be payable to
bearer.

18. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or indorsed by the president or the vice-president of the company, and counter-signed by the secretary and treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the said company; and every such promissory note, or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice president,

Company
may make
negotiable
instruments.

dent,

Proviso.

dent, or the secretary and treasurer, be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as notes, or bills of a bank.

Scale of votes.

19. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him.

Corporations,
how represented
at meetings.

20. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall have respectively appointed in that behalf by by-law; and such persons shall at such meetings be entitled, equally with other shareholders, to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Quorum of
directors.

21. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Calls upon
stock.

22. The directors may at any time call upon the shareholders for such instalments upon each share as they may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days notice of each call shall be given in such manner as the directors shall prescribe by the by-laws of the company.

Conveyances
of lands to the
company.

23. Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the schedule hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate indorsed on the duplicate thereof.

Registration.

Agreements
with other
railways.

24. It shall be lawful for the said company after the shareholders shall have sanctioned the proposed agreement by a vote of at least two-thirds thereof, at a special meeting called for the purpose, to enter into any agreement with the Grand Trunk Railway of Canada, or any other railway with which The Prince Edward County Railway may hereafter form a connection,

nection, for leasing the said The Prince Edward County Railway, or any part thereof, or the use thereof at any time or times, for any period not exceeding twenty-one years, to such other company; or for leasing or hiring from such other company or companies any railway or any part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, or other moveable property; and generally to make any agreement or agreements with any such company or companies touching the use, by one or the other, or by both companies of the railway, or moveable property of either or of both, or any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor; and every such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease shall be and hereby is empowered to exercise all the rights and privileges in this charter conferred.

25. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Aliens and non-resident shareholders.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

Power to acquire lands.

27. The said railway shall be commenced within one year, and be completed from the point of junction with the Grand Trunk Railway of Canada to the Town of Picton, within five years after the passing of this Act, or else all rights and privileges conferred upon the said company by this Act shall be forfeited, in respect of so much of the line as may not have been completed.

Commencement and completion of railway.

28. The by-law passed by the corporation of the County of Prince Edward, and intituled "A by-law to assist the Prince Edward Railway Company by giving eighty-seven thousand five hundred dollars to the company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest," and all debentures that may be issued under the said by-law shall be, and the same is declared legal, binding and valid upon the said corporation, ratepayers, and all others whomsoever, any law or statute to the contrary notwithstanding; but subject always to the provisions and conditions contained in said by-law: And the

By-law of county of Prince Edward confirmed.

the company hereby incorporated is, and is hereby declared, to be the railway company intended to be assisted by the said by-law, and entitled to the benefit of the said bonus, according to the terms of the said by-law.

SCHEDULE.

(Section 23.)

Know all men by these presents that I (*or we*) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars, paid to me (*or as the case may be*) by the Prince Edward County Railway Company, the receipt whereof is hereby acknowledged, do grant, and I the said do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*) of land situate (*describe the land,*) the same having been selected by the said company for the purposes of their railway, to hold with the appurtenances thereof unto the said The Prince Edward County Railway Company, their successors and assigns.

As witness my hand and seal (*or*) our hands and seals this
day of one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }

(L.S.)

CAP. LXXIV.

An Act to incorporate "The St. Mary's and Credit Valley Railway Company."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the construction of a railway from a point in or near the Town of Woodstock, in the County of Oxford, to the Town of St Mary's, in the County of Perth, with power to extend to Port Frank, in the County of Lambton, or some other point on Lake Huron or River St. Clair, has become desirable for the development of the resources of certain portions of the Counties of Oxford, Perth, Huron, Middlesex and Lambton, and for the public convenience and accommodation of the inhabitants thereof :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. David Howard Harrison, Duncan Miller, George Byron Smith, Alexander Beattie, Patrick Whelihan, Thomas Boy Guest, John W. Poole, William Currie, Thomas O. Robson, Joseph Iredale, John E. Harding, George McIntyre, C. S. Jones, John Robinson, Richard Box, William V. Hutton, H. F. Sharpe, Adam E. Ford, L. M. Clench, Robert Guest, and George Huston, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body, corporate and politic, by the name of "The St. Mary's and Credit Valley Railway Company."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and any Act amending the same and in force in this Province, shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

The Railway Act to apply to this Act.

3. The said company shall have full power under this Act to construct a railway from any point in or near the Town of Woodstock to the Town of St. Mary's, with power to extend to the Village of Petrolia, in the County of Lambton, and to some point on Lake Huron or River St. Clair, with full power to pass over any portion of the country between the points aforesaid.

Line of railway.

4. The railway may be of any gauge.

Gauge.

5. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered on payment of a fee of seventy-five cents in such manner and upon such proof of execution as is required under the Registry Laws of Ontario.

Conveyances to the company, form of.

Registry of.

6. From and after the passing of this Act, the said David Howard

Provisional directors.

Howard Harrison, Duncan Miller, George Byron Smith, Alexander Beattie, Patrick Whelihan, Thomas Boy Guest, John W. Poole, William Currie, Thomas O. Robson, Joseph Iredale, John E. Harding, George McIntyre, C. S. Jones, George Huston, Richard Box, William V. Hutton, H. F. Sharpe, Adam E. Ford, L. M. Clench, Robert Guest and John Robinson, shall be the provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act and any other law in force in Ontario, are vested in such boards.

Capital. Shares.

8. The capital of the company hereby incorporated shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars in the manner provided by the Railway Act, to be divided into five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company;

Application of moneys subscribed.

and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Power to municipalities to pay part of preliminary expenses.

Payment of deposit on subscription for shares.

9. On the subscription for shares of the said capital stock, each subscriber shall pay into some chartered bank to be designated by the directors, ten per centum of the amount subscribed by him, to the credit of the said company.

Calls.

10. Thereafter calls may be made by the directors, for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

First general meeting to be called by directors.

11. As soon as shares to the amount of thirty thousand dollars of the capital stock of the said company shall have been subscribed

subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of St. Mary's or in the City of Toronto, (which shall on no account be withdrawn therefrom, unless for the service of the company) the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

On failure of directors to call meeting, five subscribers may call same.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one weekly newspaper in the Town of St. Mary's, once in each week, for the space of at least four weeks; and such meeting shall be held in the Town of St. Mary's, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Publication of time and place of first meeting.

Election of directors.

14. Thereafter, the general annual meeting of the shareholders of the said company shall be held in such place, in the Town of St. Mary's, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously, in the *Ontario Gazette*, and once a week in one weekly newspaper published in the Town of St. Mary's.

Annual general meetings.

15. Special general meetings of the shareholders of the said company may be held at such places in the Town of St. Mary's, where the head office and workshops shall be situated, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Special general meetings.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Votes of shareholders.

Qualification
of directors.

17. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of di-
rectors.

18. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Powers to mu-
nicipalities
and portions
interested to
aid.

19. It shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient ; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws, by the ratepayers, as provided in the Municipal Act for the creation of debts.

Proviso.

Powers to any
municipalities
to aid.

20. It shall be lawful for any municipality or municipalities who may desire to assist in the construction of the said railway, or any part thereof, to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus, or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient : Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions for the creation of debts ; and all such by-laws so passed shall be valid, notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt.

Proviso.

By-laws in aid.

21. In case thirty persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any portion of the municipality, do petition the council of such municipality to pass a by-law, as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated ; or, in the case of a county municipality, the majority of the reeves and deputy reeves for those townships that may be asked to grant a bonus, do petition the council of such
county

county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor; the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act ;

(1.) For raising the amount so petitioned for by such freeholders, or such reeves or deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition ;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, such interest to be payable yearly or half-yearly, which debentures the municipal councils, and the mayors, wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively ; and the provisions of the Municipal Acts and of this Act shall apply to any bonus so granted, or by-law so passed, by or for a portion of a municipality.

22. Any county in which are situated a township or townships that have granted, or hereafter may grant, a bonus or bonuses in aid of the said railway company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees, under this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Counties may give their debentures in exchange for township debentures.

23. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Acts of two trustees to be valid.

24. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

Council to pass by-laws if carried.

25. And within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

and issue debentures.

26. In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment

If aid granted by a portion of a municipality such portions

only to be assessed.

ment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Provisions of municipal acts to apply to by-laws of portions of municipalities.

27. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality.

By-laws in aid not invalid if rate exceeds two cents in the dollar, if less than three cents

28. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Power to exempt from taxation.

29. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company, and its property within such municipality, either in whole or in part, from municipal assessment or taxation, and to fix the assessable value of said property for a term of years, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years not exceeding twenty years, as such municipal corporation may deem expedient; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Representative of municipalities on direction.

30. If any municipality shall grant a bonus of not less than thirty thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company, as the representative of such municipality, and for every additional thirty thousand dollars they shall likewise be entitled to one additional director; and such directors shall be in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Appointment of trustees.

31. The trustees of the said company shall be the Hon. George W. Allan and the Hon. John McMurrich, both of the City of Toronto, and another trustee to be appointed by the Lieutenant-Governor in Council.

Power of appointment of new trustees.

32. Any of the said trustees may be removed, and a new trustee appointed in his place, at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and

and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee appointed by the Lieutenant-Governor in Council, with the consent of said company.

33. The said trustees shall receive the said debentures in trust—firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the Town of St. Mary's, or in the City of Toronto, in the name of "The St. Mary's and Credit Valley Railway Municipal Trust Account;" and to pay the same out to the said company, from time to time, on the certificate of the chief engineer of the said railway, and countersigned by the president thereof, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, or portion of the road, to be applied on the work so done; and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate, by such engineer, shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court.

Trusts where-
on debentures
to be held.

Penalty on en-
gineer wrong-
fully granting
certificate.

34. It shall and may be lawful for the trustees to apply all the bonuses *pro rata* given by municipalities lying east of the Township of Blanshard, including the Township of Blanshard, in building the line of road between the Town of St. Mary's and the Town of Woodstock.

How bonuses
granted by
municipalities
east of Blans-
hard may be ap-
plied.

35. And it shall and may be lawful for the trustees to apply all the bonuses granted by any municipality or municipalities lying west of the Township of Blanshard to be expended west of St. Mary's, *pro rata*, also.

How bonuses
of municipali-
ties west of
Blanshard
may be ap-
plied.

36. The directors of the said railway, after the sanction of the shareholders shall have been first obtained, at any special general meeting, to be called from time to time, for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, including rolling stock and equipments then existing, and at any time thereafter acquired;

Power to
issue bonds.

Lien created
by the bonds

Limit to issue.

acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking, and the property of the company, as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed the sum of ten thousand dollars per mile of railway; nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Province of Ontario; And provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds, &c.,
may be made
payable to
bearer.

37. All such bonds, debentures, mortgages, and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery; and any holder of any such, so made payable to bearer, may sue at law thereon, in his own name.

Power to be-
come parties to
bills and notes.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note, or bill of exchange, so made, shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, or shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Powers to ac-
quire lands for
stations,

39. Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing,

structing, maintaining, and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage, than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time, as they may deem expedient.

40. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right of the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration; in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc.

41. When said gravel, stone or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said Company's Act, except such as relate to filing plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Laying tracks to gravel pits.

42. The railway shall be commenced within two years, and completed within five years after the passing of this Act, or

Time for commencement and completion of railway. else

else the charter shall be forfeited, so far as any portion of the line hereby authorized may not be completed.

Powers as to
highways.

43. It shall be lawful for any municipality through which the said railway passes, to pass a by-law or by-laws, empowering the said company to lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or control of any joint-stock road company, and if such be either in the possession or control of any joint-stock or other road company, then with the assent of such company.

Running
powers over
other railways.

44. The said company shall have power to make arrangements with any railway company for running powers over their said road, or over such other roads making such arrangements.

Power to lease
this railway.

45. The said company shall have power to lease the said road to either the Great Western Railway Company or the Credit Valley Railway Company, or any other railway company, for any term of years that may be agreed upon by such companies, and the said The St. Mary's and Credit Valley Railway Company.

SCHEDULE "A."

(Section 5.)

Know all men by these presents, that in consideration of dollars, paid to by The St. Mary's and Credit Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and in consideration of dollars paid to by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel of land situate the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The St. Mary's and Credit Valley Railway Company, their successors and assigns.

And the of the said hereby bar dower in the said lands.

As witness hand and seal, this day of one thousand eight hundred and

Signed sealed and delivered }
in the presence of }

[L. S.]

SCHEDULE "B."

(Section 33.)

CIVIL ENGINEER'S CERTIFICATE.

The St. Mary's and Credit Valley
 Railway Company's Offices,
 Engineer's Department,
 A. D. 18

No.

I, _____ chief engineer for The St. Mary's and Credit Valley Railway, do hereby certify that there has been expended in the construction of mile No. _____ the said mileage being numbered consecutively from _____ the sum of _____ dollars to date, and that the total *pro rata* amount due for the same from the Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under this Act.

CAP. LXXV.

An Act to incorporate "The Lake Simcoe Junction Railway Company."

[Assented to 29th March, 1873.]

WHEREAS the construction of a railway from a point on **Preamble.** the shore of Lake Simcoe, in the vicinity of Sutton, to the City of Toronto, or to the line of some railway tending southward to the said city, now built or which may hereafter be built, within the Township of Markham or Whitechurch, will open up a new and desirable route from the City of Toronto to the waters of Lake Simcoe, and has become desirable for the development of the resources of certain portions of the Counties of York and Ontario, and also for the public benefit and accommodation of the inhabitants thereof; And whereas, a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A. G. P. Dodge, M. P., Isaac May, James J. Hunter, Robert McCormack, John Netteville Blake, R. A. Riddell, Isaac Marritt, Newton Graham, J. R. Bouchier, Samuel Parks, J. R. Stevenson, John Ramsden, William Summerfelt, James Shields,

Corporate
name.

Angus Ego, Donald McDonald, Wilfred Pegg, David Vanorman, John Morton, David Baker, William Kane, David Willoughby, Robert Rowland, and John Vanostrandt, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and the same are hereby constituted a body corporate and politic, by and under the name of "The Lake Simcoe Junction Railway Company."

Certain clauses
of the Railway
Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and all Acts in force in this Province amending the same, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, and amendments thereto so incorporated with this Act.

Interpretation
of the words
"this Act."

Location of
line.

3. The said company shall have full power to lay out and construct a double or single railway, of not less than three feet six inches gauge, from some point on the shore of Lake Simcoe, near the Village of Sutton, in the County of York, to some point on the line of the Toronto and Nipissing Railway, at or near the Village of Stouffville in said County, or by way of the Village of Mount Albert to the City of Toronto, or to a point on the line of some railway now built or which may hereafter be built within the Township of Markham or Whitchurch, tending southwards to the said city, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown Lands lying between the said points or on the line of said railway.

Power to build
wharves and
warehouses.

4. The said company shall also have power to construct on the shore of Lake Simcoe, or on any river or stream near to said railway, such wharves, piers, warehouses, or other works, as may be required for the use of the said company.

Power to build
and navigate
vessels on
Lake Simcoe.

5. The said company shall have power to construct, purchase, charter, and navigate boats or vessels of any description on Lake Simcoe and the waters adjacent thereto.

6. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, of whom nine shall be a quorum; and shall have power to fill vacancies occurring, and to add not more than eight to their number, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stockbooks, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors.

Provisional
directors,

their powers.

7. The capital stock of the said company shall be one hundred and seventy-five thousand dollars, (with power to increase the same in manner provided by the Railway Act,) to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of said capital stock, the municipal corporation of any township on or near the line of said railway may pay out of the general funds of such municipality the said preliminary expenses, or a proportion of the preliminary expenses, which shall thereafter (if such municipality shall so require) be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

Capital stock.

8. No subscription for stock in the capital of the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank, to be designated by the directors, to the credit of the company, within one month after the same has been so subscribed.

Ten per cent.
to be paid on
stock.

9. As soon as shares to the amount of one-fifth of the capital stock of said company shall have been subscribed, and ten per centum thereof paid into some chartered bank in the City of Toronto, and on no account to be withdrawn therefrom unless for the service of the company, the directors shall call a general

General meet-
ing for election
of directors.

general

eral meeting of the subscribers to the said capital stock who shall have paid in ten per centum of their shares, at the City of Toronto, for the purpose of electing directors of the said company.

Election of
directors.

10. At such general meeting the subscribers for the capital stock assembled, with such proxies as may be present, shall choose nine persons to be directors of the said company (of whom five shall be a quorum), and may also pass such rules, regulations and by-laws with reference to the said company as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification
of directors.

11. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual meet-
ings.

12. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously, in the *Ontario Gazette* and in one or more newspapers published in Toronto.

Special general
meetings.

13. Special general meetings of the shareholders of the said company may be held at such places in the City of Toronto, and at such times, and in such manner, and upon the notice mentioned in the last preceding section, and for such purposes as may be prescribed by the by-laws of the company.

Scale of votes.

14. Every shareholder holding one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Aid from the
municipalities.

15. It shall be lawful for any municipality or municipalities, or any county municipality, or any portion or portions of such municipalities which may be interested in securing the construction of the said railway, or through any part of which or near which the said railway or the works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus to said company, or taking stock in the capital of or issuing municipal bonds to or in aid of the same, and otherwise in such manner and to such extent as such municipalities or any of them shall deem expedient: and it shall be lawful for the councils of such municipalities or any of them, with the approval of the ratepayers as hereinafter

after mentioned, to convert into cash and invest any surplus funds of such municipalities, or any of them, in the capital stock of said company; and the aid and assistance to be given to said company by any portion of a county municipality, whether the metes and bounds of such portion as set forth in the by-law for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township or townships and portions of townships, or only portions of townships, and also in the case of a portion of a county or township municipality granting such aid, then the debentures to be issued shall be the debentures of the county or township municipality as the case may be, but in such case the rate to be levied for the payment of such debentures and interest shall be assessed and levied on the portion of the township or county municipality affected by said by-law; and the proper municipal council may of its own motion, and without any previous petition therefor being presented, introduce, pass and submit the requisite by-law to authorize the granting of such aid, or to raise a certain sum to be invested in stock in the capital of said company, for the approval of the voters qualified under the Municipal Act in the municipality or portion of a municipality to be affected thereby: Provided always, that no such aid, loan, bonus or guarantee shall be given until the by-laws granting the same be adopted by the ratepayers as required by the provisions of the Municipal Act for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that the annual rate of assessment exceeds the aggregate rate of two cents on the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt: Provided always, that in no case shall such rate exceed for all purposes three cents on the dollar on the actual value of such ratable property.

16. In case aid towards the construction of said railway is desired from any municipality other than a county municipality, if fifty persons at least who are qualified voters under the Municipal Act do petition the council of the municipality within which their property is situate in the manner hereinafter mentioned; and in case aid is desired from any portion of a township municipality, if at least twenty-five persons who are qualified voters under the Municipal Act, resident in the said portion do in the manner hereinafter mentioned petition the council of such municipality; and in case aid is desired from the municipality of the County of York, or any portion of said county, if at least twenty persons who are qualified voters under the Municipal Act in each minor municipality or portion of a minor municipality within said county from which such aid is desired, as the case may be, or if the majority of the reeves and deputy reeves of said minor municipalities resident in the section of the county from which aid is desired do petition the council of said county in the manner hereinafter mentioned, the warden, reeve, or other presiding officer of said municipalities respectively, or any of them, shall on receipt of such petition call a meeting of the

Aid from portions of municipalities.

Aid from the County of York.

the council of the municipality, and the said council shall thereupon introduce and pass a by-law as hereinafter set forth, and shall submit the same to the vote of the qualified voters under the Municipal Act of the municipality or portion of the municipality defined in said petition, within four weeks after the receipt of said petition, by the warden, reeve, or other presiding officer as aforesaid, in the manner required by the provisions of the Municipal Act, and in the same manner and to the same effect as if the said municipal council had introduced the said by-law of its own motion :

Nature of petition to municipality to aid railway.

Such petition shall in effect set forth that it is the desire of the petitioners to aid the said railway, the manner in which such aid is to be rendered, the amount or sum to be raised or granted for that purpose, and the desire of the petitioners to be assessed therefor, and in the case of a petition from a portion of a municipality, such petition shall also contain a statement of the metes and bounds of said portion ;

1. Such by-law shall in each instance provide for raising the amount petitioned for in the municipality or portion of the municipality mentioned in the petition, by the issue of debentures of the municipality, and shall also provide for the delivery of the said debentures to the said company, or the application of the amount so raised in such manner and at such time as may be expressed in the said petition ;

2. For assessing and levying upon all ratable property lying within the municipality or portion of the municipality defined in said petition, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon ; such interest to be payable yearly or half yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided that in case the sum raised under the authority of such by-law is invested in the capital stock of said company, the council of the municipality holding such stock may at any time sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law carried, council to pass the same,

17. In case the by-law submitted to any municipality or portion of a municipality be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the council of the municipality shall read the said by-law a third time and pass the same.

and issue the debentures.

18. And within one month after the passing of such by-law, the said council, and the warden, reeve or other presiding officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

19. It shall be lawful for the corporation of any municipality through any part of which the said railway passes or is situated by by-law specially passed for that purpose to exempt the said company and its property within such municipality or any part thereof from municipal assessment or taxation, and to fix the assessable value of said property for a term of years, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty years, as such municipal corporation may deem expedient; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Exemption
from taxation

20. Whenever any municipality shall take stock, grant a bonus, or otherwise aid the said company, to an amount not less than twenty thousand dollars, the council of such municipality shall be entitled to name a director of the said company as the representative of such municipality; and in case any two or more municipalities take stock in or grant aid to said company, amounting in the aggregate to twenty thousand dollars, at least, such municipalities may jointly appoint one such director; and such director shall be in addition to all shareholders' directors, a director in said company, and shall not require to be a shareholder thereof, and shall continue in office as a director of said company until his successor be appointed by the council of the municipality which he represents; and in any such case the municipality shall not vote on any stock held by it, for the election of shareholders or directors.

Directors appointed by municipalities.

21. The Corporation of the County of York shall be at liberty to take the debentures issued by any township or townships which may grant a bonus or otherwise aid said company, and in exchange therefor hand to the proper officers of said company or township, as the case may be, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council.

Corporation of York may exchange their debentures for those of the townships.

22. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they may respectively appoint in that behalf by by-law; and such person shall at such meetings be entitled equally with other shareholders, to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Stock of the municipality, how represented.

23. It shall be lawful for the said company to enter into any agreement with any other railway company in the Province of Ontario, for leasing the said railway or any part thereof, to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring

Agreements with other railway companies

ing any locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies of the railway or moveable property of either or of both, or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor; and any such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred: Provided that any lease or agreement authorized by this section shall be subject to the approval of two-thirds of the shareholders obtained at a special general meeting convened according to the by-laws of the company for considering the same.

Company may
receive aid
from Govern-
ment, &c.

24. The said company may receive from Government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same in aid of the construction, equipment or maintenance of the said railway, bonuses loans, or gifts of money or land, or securities for money.

Issue of bonds.

25. The directors of the said company are hereby authorized and empowered to issue bonds for the purpose of raising money for prosecuting the said undertaking and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company: Provided, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile; nor shall the amount of each bond issued at any one time be in excess of municipal and other bonuses and paid up share capital, actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of said railway, or materials actually purchased, paid for and delivered to the company: And provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are allowed to shareholders, in case the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Negotiable in-
struments.

26. The said company shall have power and authority to become

become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice president, or the secretary and treasurer be individually responsible for the same unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as hereinbefore enacted; Provided always, that nothing herein contained shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

27. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Powers of the company to acquire stone, gravel, &c.

28. When said gravel or stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to the said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of

Sidings and tracks to lands to take gravel, &c.

of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Conveyances
of lands to the
company.

29. Conveyances of land to the said company for the purposes of the undertaking made in the form set out in Schedule "A" of this Act, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and shall also be a sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Commence-
ment and
completion of
railway.

30. The railway shall be commenced within two years and completed within five years after the passing of this Act.

Carriage of
cordwood.

31. The said company shall at all times receive and carry cordwood, or any wood to be used as fuel, at a rate not to exceed three cents per ton per mile in full car loads, from all stations within such municipalities as may take the amount of stock in the capital of the said company allotted to them by the directors of the said company, or grant a bonus thereto of equal value or amount; and the said company shall at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in other freight carried over said railway.

SCHEDULE A.

(Section 29.)

Know all men by these presents, that I, (or we) (*insert the name or names and description of the vendor or vendors*) in consideration of dollars paid to (me or us) by The Lake Simcoe Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and (*I or we*) *insert the name and description of any other party or parties* in consideration of dollars paid to (me or us) the receipt whereof is hereby acknowledged, do grant and release all that land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of the said railway, to the said The Lake Simcoe Junction Railway Company, their

their successors and assigns (*here insert any other clauses, covenants or conditions required*) and (*I or we*) the (*wife or wives*) of the said do hereby bar (*my or our*) dower in the said lands.

As witness (*my or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered }
in presence of }

[L.S.]

CAP. LXXVI.

An Act to incorporate "The Trent Valley Railway Company."

[Assented to 29th March, 1873.]

WHEREAS the construction of a railway from the Village of Trenton along the valley of the River Trent to a point near the Village of Frankfort, thence crossing the River Trent at or near Chisholm's Rapids, thence northerly to Crow River, crossing the same at or near the boundary line between the Townships of Rawdon and Seymour, thence northerly to some point in the Township of Marmora or Belmont, and thence northerly to intersect the contemplated Pacific Railway in the valley of the Ottawa, has become desirable for the development of the resources of certain portions of the Counties of Hastings and Northumberland, and that large and undeveloped section of country lying to the north thereof, and for the public convenience and accommodation of the inhabitants thereof :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Charles Francis, William H. Austin, G. Smith, William Jeffs, R. W. Williams, T. McCabe, J. F. Way, James Young, George Young, J. W. Thompson, Baltis Rose, P. Turley, Warren Scott, G. H. Gordon, D. R. Murphy, L. Cruikshanks, Clement Armstrong, Alexander Miller, and W. H. Day, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Trent Valley Railway Company."

Corporate
name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation,"

Certain
clauses of the
Railway Act
to apply.

"incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation
of the words
"this Act."

Construction
of Railway.

3. The said company shall have full power under this Act to construct a railway from any point in the Village of Trenton to a point in or near the Village of Frankfort, and thence crossing the River Trent at or near Chisholm's Rapids, thence northerly to Crow River, crossing the same at or near the boundary line between the Townships of Rawdon and Seymour, thence northerly to a point in the Township of Marmora or Belmont, and thence northerly to intersect the contemplated Pacific Railway in the valley of the Ottawa, with powers to build a line from Trenton to Wellers Bay, by or near the shore of the Bay of Quinte, or such other line as the Directors may select, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands lying between the points aforesaid.

Company may
construct
docks, wharves
etc.

4. The said company may construct depots, docks, stations, wharves, warehouses, and other buildings and works at or near any one or more of the several points on the line or lines of railway hereby authorized, where such line or lines touch Lake Ontario and the inlets or bays thereof, and the Bay of Quinte, and the inland lakes and navigable rivers upon or near such line or lines, and for such purpose may extend their railway or construct branches thereof into and upon the waters of the said lake, inlets, bays, inland lakes and navigable rivers, or any one or more of them.

Gauge of rail-
way.

5. The said railway may be constructed of any gauge.

Conveyances
of land.

6. Conveyances of land to the said company for the purposes of, and powers given by this Act made in the form set out in the schedule "A" hereto annexed, or the like effect shall be sufficient conveyance to the said company their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of

How regis-
tered.

of Ontario; and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

7. From and after the passing of this Act, the said Charles Francis, William H. Austin, G. A. Smith, William Jeffs, R. W. Williams, T. McCabe, J. F. Way, James Young, George Young, J. W. Thompson, P. Turley, G. H. Gordon, D. R. Murphy, L. Cruikshanks, Clement Armstrong, Alexander Miller, and H. W. Day, shall be the provisional directors of the said company. Provisional directors.

8. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company, equally with themselves; to open stock books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act and any other law in force in Ontario are vested in such boards. Powers of provisional directors.

9. The capital of the company hereby incorporated shall be eighty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into eight hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock. Capital stock.

10. On the subscription for shares of the said capital stock each subscriber shall within three days thereafter pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors to the credit of the said company. Ten per cent. of the stock to be paid up.

Future calls.

11. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than thirty days.

Directors may make certain payments in paid up stock or in bonds.

12. The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

General meeting for the purpose of election of directors.

13. As soon as shares to the amount of forty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the County of Hastings, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

Directors may accept payment in full of stock.

14. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

How meeting may be called if provisional directors neglect to call the same.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

16. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week, for the space of at least four weeks, and such meeting shall be held at the Village of Trenton, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled who shall have so paid

Election of directors.

ten

ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Village of Trenton, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one local newspaper once in each week. Annual meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in the Village of Trenton, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company. Special general meetings.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders be entitled to one vote for every share held by him; provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Scale of votes.

20. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. Qualification of directors.

21. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

22. And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that no such aid, loan, bonus, or guarantee shall be given except after the passing of by-laws for the purpose, Municipalities may aid by bonus.

pose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

Aid from municipalities.

23. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway, by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty persons who are qualified voters in each such county municipality; and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons, qualified voters from each minor municipality, or the portion thereof to be affected by the by-law as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired; and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality or municipalities forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of the county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the vote of the qualified voters of the county or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other

other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters.

24. The said aid and assistance by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the issuing of municipal bonds for the purposes and in the manner set out in this Act, may be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid, be the metes and bounds of minor municipalities, or be so defined as to comprise a minor municipality, or minor municipalities and portions of minor municipalities, or to comprise only portions of minor municipalities, and in case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality, and in case of portions of a county municipality as aforesaid, then such debentures shall be those of the county municipality.

Aid from
minor municipalities.

25. It is declared that the words "minor municipality" herein mean and are to be read and construed as "Town, Village, or Township."

Interpretation
of the words
"minor municipality."

26. The proper council may under this Act, of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality, or portion of the municipality to be affected thereby.

Council may
submit by-law
without petition.

27. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

By-law to be
passed by the
council.

28. Within one month after the passing of such by-law, the said council, and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Council to
issue debentures.

29. In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Assessment
where bonus is
granted by a
portion of a
municipality.

30. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality.

Municipal Act
to apply to
by-laws.

municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

31. All by-laws to be submitted to such vote for granting bonuses to the said company, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Certain municipalities aiding may appoint a director.

32. Any municipality which shall grant a bonus of not less than thirty thousand dollars in aid of the said company, shall be entitled to name a director in the said company, as the representative of such municipality, and such directors shall be in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Exemption of company from taxation.

33. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Trustees of debentures.

34. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, Ketchan Graham, James L. Biggar, and one to be named by the Lieutenant-Governor in Council: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

Appointment of new trustees.

35. Any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

36. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

37. The said trustees shall receive the said debentures in trust: firstly to convert the same into money; second to deposit the amount realized from the sale of such debentures in some chartered bank having an office in the County of Hastings, in the name of "The Trent Valley Railway Municipal Trust Account," and to pay the same out to the said corporation from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount to be expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer, shall be punishable by a fine of not less than one hundred dollars, recoverable in any court of competent jurisdiction in the Province of Ontario.

Trusts on which debentures are to be held.

38. Any county in which is or are situated a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Counties may issue debentures instead of townships.

39. The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have

Issue of bonds by the company.

Rights of bondholders at annual meetings.

have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Company may
make promissory
notes, etc.,

but not to be
circulated as
money.

Acquiring
lands for
gravel pits,
&c.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

41. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money in Court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid: and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

42. When said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Laying tracks
to gravel pits,
&c.

43. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Powers as to
lands for sta-
tions, etc.

44. The said railway company shall at all times receive and carry cordwood or any wood for fuel at a rate not to exceed for dry wood three cents per mile per cord from all stations exceeding fifty miles, and at a rate not exceeding three and a-half cents per cord per mile from all stations under fifty miles, in full car loads, and for green wood at the rate of three cents per ton per mile.

Rates for con-
veying wood.

45. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the case of other freight carried over the said railway; and shall provide as much ground for the stowage and piling of cordwood free of charge at every station excepting Trenton as shall be deemed by the county council of the County of Hastings sufficient for the trade in cordwood from each respective station.

Traffic in cord-
wood unre-
strained.

46. Cordwood or wood for fuel cut before the first day of March in any year shall be deemed for the purposes of this Act dry wood by the first of October following, and not before.

Definition of
drywood.

47. The railway shall be commenced within two years, and completed to the point in the Township of Marmora or Belmont within

Commence-
ment and com-
pletion of rail-
way.

within five years, and to its junction with the contemplated Pacific within ten years after the passing of this Act, or else the charter shall be forfeited as regards so much of the railway not completed.

Expenditure
of bonuses
granted by
certain town-
ships.

48. All bonuses granted in aid of the said company by any municipality or municipalities to the south of the northern line of the Townships of Methuen and Lake shall be expended upon the portion of their railway from Trenton to the terminus in the Township of Marmora or Belmont.

Running
powers to
Prince Ed-
ward Co. Ry.
Coy.

49. The said company shall have power to make running arrangements with the Prince Edward County Railway Company upon terms to be approved of by two-thirds of the shareholders at a special general meeting to be held for that purpose, in accordance with this Act.

Leasing the
railway, &c.

50. It shall be lawful for the said company to enter into an agreement with the Prince Edward County Railway Company for leasing the said Trent Valley Railway, or any part thereof, or the use thereof at any time or times; or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or of both, or any part thereof; or for the conveyance or transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor; if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding and shall be enforced by courts of law and equity, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

SCHEDULE "A."

(Section 6.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of dollars paid to me (or us) by The Trent Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with
the

the appurtenances unto the said The Trent Valley Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (*or we*) the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
 this day of one thousand eight hundred
 and

Signed, sealed and delivered, }
 in the presence of }

[L. S.]

SCHEDULE "B."

(Section 37.)

CHIEF ENGINEER'S CERTIFICATE.

The Trent Valley Railway Company's Office,
 Engineer's Department.
 A. D. 18

No.

Certificate to be attached to cheques drawn on The Trent Valley Railway Municipal Trust Account, and given under section of cap. 36th Vic.

I, chief engineer for the Trent Valley Railway Company, do hereby certify that there has been expended in the construction of mile No. (*the said mileage being numbered consecutively from the boundary of the Village of Trenton*) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

CAP. LXXVII.

An Act to incorporate "The Yorkville Loop Line Railway Company."

[Assented to 29th March, 1873.]

WHEREAS Frank Turner, Hugh C. Barwick, Alfred Hos- Preamble.
 kin, William Patrick, William Russell Bartlett, Edmund Wragge, and James Thorburn have petitioned for an Act to incorporate a company to construct a Railway from some point at
 or

or near the Carleton station of the Grand Trunk Railway of Canada, in the Township of York, to some point in the Township of York on the Grand Trunk Railway of Canada, near the line dividing the Townships of York and Scarboro', with power to connect with other railways, and for other purposes; And whereas, it is expedient to grant the prayer of said Petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Frank Turner, of the Township of York, civil engineer; Hugh C. Barwick, of the Township of St. Catharines, bank manager; Alfred Hoskin, of the City of Toronto, barrister-at-law; William Patrick, of the Town of Prescott, esquire; William Russell Bartlett, of the Township of York, esquire; Edmund Wragge, of the City of Toronto, member of the Institute of Civil Engineers; James Thorburn, of the City of Toronto, doctor of medicine, together with such other person or persons, corporation or corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Yorkville Loop Line Railway Company."

Corporate name.

Certain clauses of the Railway Act to apply.

2. The several clauses of The Railway Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their election and duties," "Calls," "Shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and all amendments thereto, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation of the words "this Act."

Location of line.

3. The said company hereby incorporated and their servants and agents shall have full power under this Act to construct a railway with all its stations, sidings and accessories, from any point at or near the Carleton station of the Grand Trunk Railway of Canada, in the Township of York, with power to connect at such point with the Grand Trunk Railway of Canada and the Toronto, Grey and Bruce Railway, from thence crossing the Davenport road to a point at or near the Davenport station of the Northern Railway Company of Canada, with power to connect at such point with the said Northern Railway, from thence to the Village of Yorkville, in the County of York, with power to connect there with the Toronto Street Railway, from thence in an easterly

easterly direction to a point in the said Township of York on the said Grand Trunk Railway, at or near the line dividing the Townships of York and Scarboro', with power to connect at such point with the said Grand Trunk Railway and the Toronto and Nipissing Railway: Provided that the said Yorkville Loop Line Railway Company shall at all times when trains shall be running over their line, erect, maintain, and keep suitable gates, and watchmen at the several points where the said railway shall cross the Davenport Road, the Avenue Road, and Yonge-street.

4. The said company shall have full power under this Act to extend their said railway to some point on the line of the Great Western Railway Company of Canada, between the Queen's Wharf in the City of Toronto and the Mimico station of the said last mentioned railway, with power to connect at such point with the said last mentioned railway. Extension of line.

5. The said company shall be at liberty to make gauges so that the rolling stock of all or any of the above mentioned railways shall be able to pass over the same. Gauge of railway.

6. From and after the passing of this Act the said Frank Turner, Hugh C. Barwick, Alfred Hoskin, William Patrick, William Russell Bartlett, Edmund Wragge, and James Thorburn shall be provisional directors of the said company, and the said Frank Turner shall be chairman of the said provisional directors. Provisional directors.

7. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the schedule hereunder written or to the like effect; and such conveyances shall be received by the several registrars and be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than one dollar for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof. Conveyances of land.

8. The persons named in the sixth clause hereof are constituted the board of provisional directors of the said company and shall hold office as such until the first election of the directors under this Act and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice, by advertisement in at least two of the Toronto daily newspapers and in the *Ontario Gazette* of the time and place of their meeting; to receive subscriptions of stock; and the said provisional directors may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company from proceeding with the railway; and may allot and apportion the stock amongst the subscribers

as

as to the said provisional directors may seem meet; and the said provisional directors may cause surveys and plans to be made and executed and to acquire any plans or surveys now existing; and may enter into a contract for the building of the said railway; and it shall be their duty as hereinafter provided to call a general meeting of shareholders for the election of directors.

Capital.

9. The capital of the company hereby incorporated shall be five hundred thousand dollars, (with power to increase the same in manner provided by the Railway Act) to be divided into ten thousand shares of fifty dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so paid shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and to no other purpose whatever.

Election of directors.

10. As soon as shares to the amount of fifty thousand dollars of the capital stock of the said company shall have been subscribed and ten per centum thereof paid into some chartered bank to the credit of the company, the directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company.

Ten per cent. to be paid on stock.

11. No subscription for stock in the capital of the company shall be valid unless ten per centum shall have been actually paid thereon within five days after subscription into some one of the chartered banks of this Province to be designated by the said provisional directors, to the credit of the company, and which said money shall not be taken out of the said Bank, except for the purposes of the company.

Provision in case provisional directors neglect to call meeting.

12. In case the provisional directors neglect to call a meeting for the space of three months after fifty thousand dollars of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than ten thousand dollars of the said capital stock and who have paid up all calls thereon

Notice and place of meeting.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in at least two of the daily newspapers in the City of Toronto once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice.

14. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof with such proxies as may be present, shall choose five persons to be directors of the said company; and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Election of directors.

15. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least one hundred shares of stock in the company and unless he has paid up all calls thereon. Qualification of directors.

16. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. Rights of aliens.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette* and once in each week in at least two of the daily newspapers published in the City of Toronto. Annual meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in the City of Toronto and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company and after due notice shall be given as aforesaid. Special meetings.

19. Municipal corporations may grant to the said railway company such sums of money or debentures as may by the said municipal corporation be thought advisable, in the way of bonus or donation or by way of loan or guarantee, to aid in the construction or equipment of said railway or of any of the works authorised under this Act to be undertaken; and it shall or may be lawful for the said company to accept such bonus or donation, and to apply any such sums of money or the proceeds of such debentures to the special purpose if any for which the sums were so granted: Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed shall be valid notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents on the dollar on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt: Provided always, that in no case shall such rate exceed for all purposes three cents in the dollar on the actual value of such ratable property. Aid may be given by municipalities to the company.

If a portion of
a municipality
desire to aid,
the council to
pass a by-law.

20. In case the majority of the persons rated on the last assessment roll as freeholders or twenty persons so rated, who may be qualified voters under the Municipal Act, in any portion of the municipality, do petition the council of such municipality to pass a by-law, as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters voting thereon in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act :—

For issuing
debentures.

1. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the trustees of the debentures issued for the amount of said bonus, at the times and on the terms specified in said petition ;

For assessing
and levying a
special rate.

2. For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund or for the repayment of the debentures with interest thereon by instalments, such interest to be payable yearly or half-yearly; which debentures the municipal councils and the reeves and other officers thereof are hereby authorized to execute and issue; and the provisions of the Municipal Institutions Act shall apply to any bonus so granted, or by-law so passed, by or for a portion of the municipality.

Aid from
other persons.

21. The said company may receive either from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the construction, equipment, and maintenance of the said railway, bonuses, loans, or gifts of money, or securities for money.

Power to
borrow money.

22. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including rolling stock and equipments, and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee

mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the undertaking and the property of the company, as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the actual paid up bonuses and cash instalments on its share capital, and which has actually been expended in preliminary expenses, surveys, and in works of construction on the line: Provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; Provided, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

23. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary or treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Company may
make negoti-
able instru-
ments.

24. Every shareholder of one or more shares of the said capital stock, and bondholders as provided in section twenty-two of this Act in the same ratio as shareholders, shall at any general meeting of the shareholders be entitled to one vote for every share held by him.

Scale of vote.

25. At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation; and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall

Corporations,
how repre-
sented.

be

be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Quorum of directors.

26. Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Calls.

27. Calls on the subscribed capital of the said company may be made by the directors for the time being as they shall see fit: Provided, that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month.

Arrangement with other lines.

28. The said company shall have power to make running arrangements with any of the above mentioned lines or for crossing or connecting with the same upon terms to be approved of by a majority of the shareholders present at a special general meeting to be held for that purpose, in accordance with this Act.

Leasing the railway, &c.

29. It shall be lawful for the said company to enter into any agreement with all or any of the above mentioned railway companies for leasing the said Yorkville Loop Line Railway, or any part thereof, or the use thereof at any time or times; or for leasing or hiring from such other companies, or any of them, any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or of both, or any part thereof; or for the conveyance or transit of traffic for or with the said companies, or any of them, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by a majority of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding and shall be enforced by courts of law and equity, according to the terms and tenor thereof.

Procuring lands.

30. Whenever it shall be necessary for the purpose of procuring sufficient lands for the extension of stations, or for additional stations, or for gravel, or sand pits, or stone quarries, or other purposes for the use of the said railway, it is enacted that the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner and for such purposes connected with the construction, maintenance or use of the said railway as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

Procuring

31. Where stone, sand, gravel or any other material is or are

are required for the construction or maintenance of said railway or any part thereof, or further land is required for the extension of stations or for additional stations, the company may, in case they cannot agree with the owner of the lands on which the same are situated or which are required, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials and land as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple to the land which shall be taken, or for the right to the fee simple of the part taken for the purposes of stations, and the right to take material for any time they shall think necessary: the notice of arbitration, in case arbitration is resorted to, to state the interest required.

32. When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway, and the extension and additions to the stations thereof.

Sidings to
gravel pits.

33. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Warehouses,
&c.

34. The construction of the said railway shall be commenced within three years, and the same shall be completed within five years after the passing of this Act.

Commence-
ment and com-
pletion of rail-
way.

SCHEDULE.

(Section 7.)

Know all men by these presents, that I (*or we*) [*insert also the name of the wife or any other person who may be a party*] in consideration of dollars paid to me (*as the case may be*) by "The Yorkville Loop Line Railway Company," the receipt whereof is hereby acknowledged, do grant and convey [and I the said do grant and release *or* do bar my dower in, *as the case may be*] all that certain parcel [*or those certain parcels, as the case may be*] of land situate [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "The Yorkville Loop Line Railway Company," their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*)
this day of one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }

[L. S.]

CAP. LXXVIII.

An Act to amend the several Acts relating to the
Toronto, Grey and Bruce Railway Company.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Toronto, Grey and Bruce Railway Company have prayed for certain amendments to the several Acts relating to the said company:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 Vic., c. 21,
s. 33, amended.

1. The thirty-third section of the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered forty, is hereby repealed, and the time for the completion of the said railway is extended for five years from the passing of this Act.

Termini of the
western lines.
31 V., c. 40, s.
8, amended.

2. The said company may fix any place or places in the Counties of Huron and Bruce as the terminus or termini of the western line or lines of their railway; and shall not be bound to construct their said railway to Southampton and Kincardine, or either of them, or to the waters of Lake Huron; but may hereafter

hereafter, within the time hereby limited, whensoever they shall deem expedient, extend or construct their railway, or branches thereof, to the waters of Lake Huron, at either or both of the said points, or any other point or two points between Goderich and Southampton; such extensions or branch lines to be built from Teeswater or from some point between Teeswater and Wroxeter or one from each of any two such points, as the company may see fit; and the third section of the said 31 V., c. 40, s. 3, amended. Act, passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered forty, is hereby amended accordingly.

3. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Powers of the company as to stone, gravel, &c.

4. When said gravel or stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to the said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Siding and tracks to gravel pits.

5. In case fifty persons, at least, rated on the last revised Aid to company from municipalities. assessment

assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters, as aforesaid, in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality upon the petition of at least fifty persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons qualified voters from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy-reeves of such county municipality, who reside in the said portion from which aid is desired, and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality, forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters; and the fifth section of the Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, and

chaptered forty-one, is to be read as modified by the foregoing provisions of this section.

6. The said aid and assistance by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the issuing of municipal bonds, for the purposes and in the manner set out in the said Acts, or in this Act, may be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set out in the by-law for granting such aid by the metes and bounds of minor municipalities, or be so defined as to comprise one or more minor municipalities, and one or more portions of minor municipalities, or to comprise only portions of minor municipalities: And in the case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality, and in the case of a county municipality granting such aid, then the debentures to be issued shall be those of the county municipality.

Aid from
minor mun-
icipalities.

7. It is declared that the words "minor municipality" herein mean and are to be read and construed as, "town, incorporated village or township."

"Minor mun-
cipality" de-
fined.

CAP. LXXIX.

An Act to amend the Act incorporating the Toronto and Nipissing Railway Company.

[Assented to 29th March, 1873.]

WHEREAS the Toronto and Nipissing Railway Company have prayed for certain amendments of their charter, and for an extension of the powers conferred upon them thereby:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The thirty-third section of the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered forty-one, is hereby repealed, and the time for the completion of the said railway is extended for five years from the passing of this Act.

31 Vic., c. 41,
s. 33 repealed.
Time for com-
pletion ex-
tended.

2. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map

Acquiring
lands for
gravel, &c.

map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Laying tracks
to gravel pits.

3. When said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

CAP. LXXX.

An Act to amend the several Acts relating to the Credit Valley Railway Company.

[Assented to 29th March, 1873.]

Enacted.

WHEREAS the Credit Valley Railway Company have petitioned for an Act to amend the several Acts relating to the said company, and to empower the said company to extend their railway to Woodstock, passing through or near the village of Ayr, and for other purposes: and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of

of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said company shall have power to extend their railway from Galt to any point at or near Woodstock, or St. Thomas, passing through or near the village of Ayr. Extension of railway.

2. All bonuses granted in aid of the said company by municipalities, for or in respect of that portion of the railway from Galt westward to Woodstock, North Dumfries included, may be expended on that portion, or it shall be optional with the Township of North Dumfries to grant a bonus to aid the company in constructing their railway from the eastern boundary of the said township through Galt to the Village of Ayr; but if all the municipalities between the western boundary of the Township of North Dumfries and St. Thomas, inclusive, grant the required bonuses, it shall be lawful to expend the whole of such bonuses *pro rata* between the western boundary of the Township of North Dumfries and the Town of St. Thomas. Appropriation of bonuses.

3. Cordwood or wood for fuel cut and piled before the first day of March in any year shall be deemed for the purposes of this Act dry wood by the first of October following, and not before. Cordwood.

4. It shall not be lawful for the company to carry foreign through freight in the company's cars for a less rate than the tariff rates for similar local traffic: but nevertheless the company may draw or permit to be drawn over their railway, the rolling stock and freight of other companies, on such terms as may be agreed upon from time to time. Foreign through freight.

5. The seventh section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered forty-seven, is hereby repealed, and in lieu thereof it is enacted that the said company may issue bonds in pursuance of the thirty-sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-eight, to any amount not exceeding twelve thousand dollars per mile of railway. 35 V., c. 47, s. 7, repealed. Issue of bonds.

6. The twenty-seventh section of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-eight, is hereby repealed, and in lieu thereof it is hereby enacted: That in case any municipality, or section of a municipality, which shall grant a bonus of not less than sixty-five thousand dollars in aid of the said company, the council of said municipality shall be entitled to name a director in the said company, as the representative of such municipality; Provided always, that such director shall be a *bona fide* taxpayer, and resident within said municipality which grants the bonus in aid of said company; and any such director shall be in addition to all shareholders' directors in the said company, and shall not require to be a shareholder in the said 34 V., c. 38, s. 27 amended. Certain municipalities may appoint directors.

said company: any such appointment of directors aforesaid shall be made annually by the council of such municipality.

County of Peel
by-law legal-
ized.

7. The by-law passed by the County Council of Peel, for and on behalf of the section of said county therein described, granting a bonus of seventy thousand dollars to the said company, is, and the debentures issued or to be issued under authority of said by-law, are hereby declared to be legal and valid.

Certain agree-
ments lega-
lized.

8. All agreements and bonds entered into between the company and any municipality, conditioned upon such municipality (or section thereof) granting a bonus to the company, shall be binding on the company and the municipality.

Coupons on
debentures not
issued to be
retained by the
municipality.

9. All interest warrants or coupons upon the debentures of any municipality which have not yet been issued, or placed in the hands of the trustees under the Act of Incorporation, and which interest warrants or coupons are unpaid prior to the first day of January, one thousand eight hundred and seventy-three, shall be retained by the municipality, and the municipality shall not be required to make any assessment in respect thereof.

Acquiring
lands for stone,
gravel, &c.

10. Where stone, gravel, or any other material, is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

11. When said gravel, stone, or other materials, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of

of the Railway Act, and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

12. The corporation of the City of Toronto may cause the debentures for the bonus of one hundred thousand dollars granted by them to the said company, and the coupons or interest warrants attached thereto, to be made payable at the Bank of Toronto in Toronto, as is provided by the by-law of the said corporation for granting such bonus; or may in their discretion, notwithstanding the said provisions of the said by-law, cause the same to be made payable at any other bank or banks in the said City of Toronto, or at any bank or banks or places in the City of London, in England: and it shall not be necessary that all of the said debentures and the interest warrants or coupons thereof be made payable at any one place, but the said corporation may cause so many of the said debentures, and the interest warrants, or coupons thereof, as they shall see fit to be made payable at such one or ones respectively of the said banks or places as they shall see fit: and it shall not be necessary for the said corporation to pass or submit to the vote of the rate-payers any amended by-law for such purpose.

The corporation of Toronto may make the debentures issued by them on behalf of the company payable at different places.

CAP. LXXXI.

An Act respecting the Streetsville and Port Credit Junction Railway Company.

[Assented to 29th March, 1873.]

WHEREAS the said company have petitioned that an Act may be passed to amend the Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered forty, intituled "An Act to incorporate the Streetsville and Port Credit Junction Railway Company," and to extend the powers conferred on the said company, and for other purposes:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In addition to the powers conferred by section two of the ^{34 Vic., c. 40,} said ^{ss. 2 and 3,} amended.

Extension of
line of railway.

said Act, the said company shall have power to extend their railway to any point on the line of the Wellington, Grey and Bruce Railway, in the County of Wellington, with further power to extend their line of railway to Lake Huron; also to any point on the line of the Toronto, Grey and Bruce Railway, and section three of the said Act shall apply to all extensions of the line of this company.

Capital may
be increased.

2. The capital stock of the said company may be increased according to the provisions of the Railway Act, and the said company, under the provisions of the Railway Act, may also issue bonds.

34 Vic., c. 40,
ss. 1 and 5,
amended.

3. The first and fifth sections of the said Act shall be and are hereby amended by striking out of the said sections the names James Gooderham, William Barber, and by inserting in lieu thereof the names John Lamb, James Tilt.

S. 8 amended.

4. Section eight of the said Act shall be and is hereby amended, by striking out the word "fifty," in the second line of the said section, and inserting in lieu thereof the word "twenty-five."

S. 21 amended

5. Section twenty-one of the said Act shall be and is hereby amended by striking out the word "fifty," in the second line of the said section, and inserting in lieu thereof the word "twenty-five," and the respective times limited in and by the said section are hereby respectively extended, each for a period of two years.

S. 13 amended.

6. The thirteenth section of the said Act is hereby amended by inserting immediately after the word "interested," in the second line of the said thirteenth section, the words "or any county municipality interested, or any portion of such municipality, or municipalities, or county municipality."

S. 14 amended.

7. The fourteenth section of the said Act is hereby repealed, and in lieu thereof it is enacted that—

Aid from mu-
nicipalities.

In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least thirty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such pe-
tition

tion defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality upon the petition of at least twenty persons, qualified voters, from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the vote of the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters.

8. The eighteenth section of the said Act, saving the schedule therein referred to, is hereby repealed, and in lieu thereof it is enacted that—

Sec. 18
amended.

The said trustees shall receive the said bonds, debentures, or other securities, and any coupons or interest warrants attached thereto in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control, or in anywise dispose of the said bonds, debentures, securities, coupons or interest warrants, or any of them respectively, unless, and except upon and under the circumstances and conditions following, that is to say:—

Trusts on
which the de-
bentures are
to be held.

Firstly. When and as any of the moneys payable under the said

said bonds, debentures, securities, coupons, or interest warrants respectively, become due, it shall be lawful for the said trustees, from time to time, to withdraw from the custody of the said bank such of the said debentures, coupons, or interest warrants respectively, as according to the tenor and effect thereof may be requisite for duly presenting and obtaining payment thereof, and shall forthwith, after such presentation, and in so far as the said bonds, debentures, securities, coupons, or interest warrants may not have been paid, return the same into the custody of the bank aforesaid, and shall, from time to time, and as and when any such moneys are received, deposit the same in the bank aforesaid, to the credit of a special account, to be termed "The Streetsville and Port Credit Junction Railway Municipal Trust Account," which account shall further clearly state and show the particular bonds, debentures, or securities, in respect of which the said moneys have been received, and in such account the moneys received in respect of the bonds, debentures, or securities from each municipal corporation, shall be kept separate and distinct from those received from any other of the said municipal corporations;

Secondly. It shall be lawful for each of the municipal corporations who may pass by-laws to aid the said railway company, to require from the provisional or other directors on behalf of the said railway company, and before the bonds, debentures, or other securities for such aid are delivered to the said trustees, an agreement setting forth and specifying the stipulations and conditions under which the bonds, debentures, or other securities granted by such municipal corporation, and all moneys payable in respect thereof, or of the interest thereon, shall, from time to time, become applicable for the purposes of the said railway; and when, and as the said bonds, debentures, or other securities, or any of them, or any moneys received on account thereof, or of the interest thereon, according to the terms of the said agreement, become deliverable or payable to the said Railway Company, the same shall from time to time be delivered or paid, as the case may be, by the said trustees upon certificate of the chief engineer of the said railway company in form set out in Schedule A to this Act, or to the like effect;

Thirdly. In the event of the said railway company not completing the said railway to the extent mentioned, or by the time required under the terms of its agreement with any municipal corporation, it shall be the duty of the said trustees to return to such municipal corporation the bonds, debentures, or securities received from it, and any moneys received in the meantime in respect thereof, or of the interest thereon, or such of the said bonds, debentures, securities or moneys as shall not have been delivered or paid to the said railway company under the terms of the said agreement; and any bonds, debentures, or securities so returned, shall be forthwith cancelled; and it is further provided that the act of any two of the said trustees

trustees shall be as valid and binding as if the three had agreed thereto.

9. It shall be lawful for any municipality through which the railway passes, to pass a by-law or by-laws empowering the said company to lay their rails along any of the highways within such municipality ; but if such highway be in the possession or control of any joint stock or other road company, then the assent of such company shall be first obtained.

Municipalities may allow rails to be laid on highways.

CAP. LXXXII.

An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway Company.

[Assented to 29th March, 1873.]

WHEREAS, by an Act passed by the Parliament of the late Province of Canada, in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, intituled "An Act to incorporate the Wellington, Grey and Bruce Railway Company," and the several Acts amending the same, the Wellington, Grey and Bruce Railway Company were empowered to construct a railway from Guelph to Southampton and Owen Sound: And whereas, by a certain lease and agreement entered into between the said company and the Great Western Railway Company, bearing date the fifteenth day of June, one thousand eight hundred and sixty-nine, the last mentioned company agreed to equip and work the line to Southampton, so authorized to be constructed; and it was thereby arranged that the said Wellington, Grey and Bruce Railway Company should issue bonds to the extent of ten thousand dollars per mile, the payment of which was to be secured by mortgage, and payable from and limited to a certain portion of the gross traffic receipts payable by the Great Western Railway Company to the said Wellington, Grey and Bruce Railway Company, as by the said lease is provided, which authority to issue bonds was subsequently extended to an issue of twelve thousand dollars per mile: And whereas, by an amendment to the said Acts, passed in the thirty-fourth year of Her Majesty's reign, the said Wellington, Grey and Bruce Railway Company were authorized to extend their line to Kincardine, and it was in and by the said last recited Act enacted and declared that the said company might issue such bonds for each mile of their main line and such extension, which, with those already issued, should be a first charge under the mortgage referred to in the said recited lease and agreement, not exceeding the

Preamble.

the

the whole the said sum of twelve thousand dollars per mile: And whereas the said company have by their petition in that behalf, represented that the main line of their said railway to Southampton is completed, and a considerable portion of their extension to Kincardine is also completed, and the remainder thereof is under contract and in course of construction, and that by a certain agreement, bearing date the twenty-third day of December one thousand eight hundred and seventy-two, and made between them and the Great Western Railway Company, the lease and agreement aforesaid, as amended by a certain agreement between the same companies, dated the third day of June one thousand eight hundred and seventy, have been extended and made applicable to the said line to Kincardine upon the terms therein mentioned, but subject to the provisions of the said agreement of the twenty-third December one thousand eight hundred and seventy-two, and that it was intended that all such bonds, whether issued prior or subsequently to the said twenty-third December one thousand eight hundred and seventy-two, should be on the same footing; but doubts having been expressed as to the construction of the said Act, the said company were desirous of having an Act passed declaratory of the intended meaning of the said in part recited Act, and of the rights of the several holders of any and all such bonds, and of having the last mentioned agreement and the bonds issued thereunder confirmed, and also of procuring certain other amendments of their said Acts of incorporation, and of procuring the confirmation of certain by-laws passed for the purpose of aiding the construction of the branch to Owen Sound, and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Bonds in respect of line to Kincardine placed on same footing as those to Southampton.

1. It was and is the intention of the said recited Act which authorized the extension to Kincardine, that the bonds issued or which might or may be issued on the line to Kincardine thereby authorized to be constructed, should in all respects be, and they shall be, upon the same footing with those issued on the line to Southampton; and the same and the said agreement of the twenty-third day of December last are hereby confirmed and declared to be good, valid and effectual; and that it was and is the intention of such Act that the holders of such bonds issued or to be issued in respect of the said line to Kincardine, and the holders of those issued in respect of the said line to Southampton, should, and they shall stand and be on the same footing and have even and equal rights and priority, as well in respect of the moneys applicable to the payment or acquisition of such bonds under or by virtue of the said several recited agreements and every of them, as otherwise howsoever.

Great Western Co. may act as agents for this

2. It shall be lawful for the Wellington, Grey and Bruce Railway Company to appoint the Great Western Railway Company

Company to act as its agents in London, England, and to pay the coupons of the said bonds at its offices there; and upon the Great Western Railway Company assuming so to act, and while they shall continue so to do, a presentment of the said coupons there shall be sufficient, although the same are on the face of them made payable at the Bank of Montreal; and the said coupons shall be deemed to be and are hereby made payable at the offices of the Great Western Railway there, or at the office of the Bank of Montreal there, or in Canada, at the option of the holder.

Co., and pay coupons.
Where coupons are to be deemed payable.

3. It shall be lawful for any municipality or municipalities, or any county municipality, or any portion of any municipality or municipalities, or county municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the said railway or works of the company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal debentures or bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality or any of them shall think expedient; and in case of a portion of a township municipality that the debentures to be issued shall be those of such township municipality; and in case of portions of a county municipality as aforesaid, that such debentures shall be those of the county municipality; and that the proper council may of their own motion and without any previous petition therefor submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality, or portion of the municipality to be affected thereby; Provided always, that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose and the adopting of such by-laws by the ratepayers as provided in the Municipal Acts for the creation of debts.

Power to municipalities to aid.

4. In case fifty resident freeholders of any municipality who are assessed on the last revised assessment roll for such municipality for an amount sufficient to qualify them as voters under the Municipal Acts, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty resident freeholders, assessed as aforesaid in any portion of the said municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds of the portion of the municipality from which such aid is proposed to be given, and within which the property of the petitioners is situated, and

By-laws to aid the Company.
Portion of township.

County.

Portion of
county.

and expressing the desire of the petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant, and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the required by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty resident freeholders, assessed as aforesaid in each such county municipality; and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty resident freeholders, assessed as aforesaid from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy-reeves of such county municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality or municipalities forming the portion of the county municipality that may be asked to grant aid, in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the required by-law and submit the same to the vote of the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon such petition being presented to the warden or other head of any county municipality, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within two weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters.

Polling places
where town-
ship not
divided into
wards or
divisions.

Polling places
in case of
portion of
a municipality.

5. In the case of a township municipality not divided into wards or electoral divisions, the municipal council shall in any by-law to be submitted as aforesaid, appoint polling places for taking the votes of the electors on any such by-law, at the same places where the votes were taken at the then last election for the Legislative Assembly in such township; and in the case of a portion of a county or other municipality, the proper council shall in any such by-law submitted as aforesaid, appoint a polling place for every two hundred of the qualified voters of such portion of a county or other municipality to be affected by any such by-law; and the proper council shall appoint a returning officer for each polling place appointed as aforesaid.

Who may vote

6. The ratepayers entitled to vote on any such by-law shall be

be such of the freeholders, legal or equitable, as are rated on the last assessment rolls for an amount sufficient to entitle them to vote at any municipal election; and such of the rate-payers as are rated on the assessment rolls for an estate, if leasehold, the duration of which shall not be less than the period of time in which the debt to be contracted or the money to be raised under such by-law, is made payable, and in the lease for which leasehold the lessee covenants to pay municipal taxes.

7. The eighth section of the Act of the Parliament of Ontario, passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-seven, is to be read as modified by the foregoing provisions of this Act; and the third section of the Act of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered ninety-three, is amended by striking out the words "Owen Sound in the County of Grey," and inserting in lieu thereof the words "Durham, and thence to Owen Sound, or some other point on the Georgian Bay."

8. The by-laws of the municipalities of the Town of Durham and Townships of Glenelg and Bentinck, granting aid to the said railway company to the amounts respectively of twenty thousand dollars, five thousand dollars, and twenty-five thousand dollars, submitted to be voted upon and approved by the electors of the said Town of Durham, and the said Townships of Glenelg and Bentinck respectively, are hereby declared valid to all intents and purposes.

9. It shall be lawful for the Company to sell and dispose of any superfluous lands of the Company and to convey such land by deed under their common seal, and a deed so executed shall be effectual to vest the lands composed therein to the grantee or purchasers of said lands; but this provision shall not be construed to affect any right of the Great Western Railway Company under the leases and agreements in the recital mentioned.

CAP. LXXXIII.

An Act to correct an error in the Act of the present session, intituled "An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway Company."

[Assented to 29th March, 1873.]

WHEREAS by section seven of the Act of the present session, intituled "An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway Company,"

the

the third section of the Act passed by the Parliament of the late Province of Canada, in the session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, and chaptered ninety-three, was amended so as to compel the branch line of the said railway to Owen Sound to pass through the Town of Durham; And whereas the intention of the first herein recited Act was merely to authorize the said company to construct a branch line of their said railway to the Town of Durham, and from thence to Owen Sound, or some other point on the Georgian Bay, if they should desire to do so :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Branch of railway may be constructed to Owen Sound without connecting Durham with such branch.

1. Notwithstanding anything contained in the seventh section of the Act of the present session, intituled "An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway Company," the said company shall have power to construct a branch of their said railway, should they desire to do so, to the Town of Owen Sound, in the County of Grey, without connecting the said Town of Durham with such branch.

Company may construct a branch to Durham.

2. Nothing in this Act contained shall be construed as affecting or in any way limiting the powers of the said company to construct a branch of their said railway to the Town of Durham.

CAP. LXXXIV.

An Act to amend the Act incorporating the Hamilton and North Western Railway Company, and to enable them to extend their line to Collingwood.

Preamble.

WHEREAS the Hamilton and North Western Railway Company have prayed for certain amendments to their charter and for power to extend their line of railway from some point on the main line to the Town of Collingwood, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Branch line to Collingwood.

1. The said company may construct a branch from any point of its main line within the County of Simcoe to the water's edge of Lake Huron in the Town of Collingwood; and the several clauses of the Act respecting railways which are referred to in the Act incorporating the said The Hamilton and North Western Railway, and all the powers conferred by such last mentioned Act, shall

shall be taken, held and construed to apply to the said branch line as fully and effectually as if such branch line had been specially authorized in and by such last mentioned Act: Provided the construction thereof be commenced within two years, and completed within five years from the passing of this Act.

2. It shall and may be lawful for any municipality or portion of a municipality, whether the same shall be a township or a county municipality, that may pass a by-law to aid the said The Hamilton and North Western Railway Company to declare in the by-law that the debentures shall be delivered to the trustees, in the manner and upon the trusts provided for and declared in the twenty-second and twenty-third clauses of the said Act, or to vary the said trusts in and by the said by-law in such a manner as may be agreed on between the council and the company, or to do so by a separate agreement specifying the terms on which the same may be converted into money or delivered to the company, and generally to make such arrangements respecting the conditions or disposition of such bonus as may be found advisable; which agreements the said municipal councils and the directors of the company are hereby respectively authorized to make; and it is hereby declared that a by-law passed by the Township of Innisfil, granting aid to the said railway company, to the extent of twenty thousand dollars, and the agreements entered into between the railway company and the corporation of the said township, and a bond given by the said company for the due performance of the terms of the said agreement shall be good, valid, and effectual and binding upon the corporation and company respectively.

Municipalities aiding may declare the trusts upon which the debentures are to be held.

Innisfil by-law, &c., confirmed.

3. It shall further be lawful for the said company to enter into an agreement with any municipality which may grant a bonus, or which may form a portion of a county municipality, or section of a municipality, granting a bonus in aid of the said railway, defining the location of the said line, and the time within which the road shall be completed, and the portions of the railway or branch upon which the bonus shall be expended, the places where stations are to be erected, or such other matters of detail as may be agreed on between the company and such municipality, and such agreement shall be good and valid in law.

Certain agreements may be made with municipalities aiding.

4. The council of any municipality which has aided or assisted, or may aid or assist the said company, may, upon the application of the company, in its discretion, grant such extension of time, as they may think fit, for the performance or fulfilment by the company of any works or conditions stipulated for in respect of such aid or assistance.

Municipalities aiding may extend the time for completing certain works.

5. The fifteenth section of the said Act is hereby amended, so as to extend its provisions to a municipality, as well as to a portion of a municipality; and such by-laws as are therein referred to,

35 V., c. 55, s. 15, amended.

shall be submitted to the ratepayers within six weeks after the warden, mayor, reeve or other head of such municipality shall receive such petition as is therein referred to, signed by at least fifty ratepayers who are qualified voters, residing within such municipality, and the said fifteenth section is to be read as varied by the provisions herein contained.

Time for commencement of railway extended.

6. The said railway shall be commenced within two years from the passing of this Act, instead of at the period mentioned in the second recited Act, or, in default, the charter of the company shall be forfeited, and the powers hereby conferred upon them shall cease and determine.

Requisites of by-laws with respect to rates

7. In any by-law which has been, or may be, submitted for granting aid to the said railway, it shall not be necessary to raise an equal annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal, but it shall be sufficient to state a rate which shall be sufficient to pay the interest and the principal of the debentures at the time or times that the same shall be made payable.

35 V., cap. 55, s. 23 amended.

8. The twenty-third section of the said Act is hereby amended, so that the respective deposits therein referred to shall specify the particular municipality from which the same was derived, and the money shall, in each case, be carried to a separate account, to be called the Hamilton and North Western Railway Municipal Trust Account for the county or township, or other municipalities (*as the case may be*), specifying the particular municipality from the proceeds of whose debentures the funds were derived, and the same shall be paid out on the certificate of the engineer, and upon such other terms as may be mentioned in the agreement delivered to the trustees at the time the said debentures shall be deposited with them.

Sec. 10 amended.

9. The tenth section of the said Act is hereby amended, by striking out so much thereof as renders it necessary to publish a notice of the meeting in some one newspaper in each of the counties which have granted bonuses to the said railway.

Aid from the City of Hamilton.

10. The corporation of the City of Hamilton may and is hereby empowered to grant by way of gift to the said company, in addition to any other bonus, any shares, bonds or debentures which it may hold in any other company, and to grant any lands belonging to the municipality which may be required for right of way or station grounds or other purposes connected with the operating of the said railway; and the said company shall have power to accept the said gifts or grants; but the by-law making any such grant shall be approved of by the ratepayers in manner provided by the Municipal Institutions Act, in respect of by-laws for the creation of debts.

County of Simcoe may

11. The County of Simcoe, in the event of its granting a bonus

bonus of not less than three hundred thousand dollars in aid of the said railway, or in the event of such grant being made by any section or sections of the county, shall be entitled through its council to name a director in the company as its representative, who shall not require to be a shareholder in the said company.

appoint a
director on
certain condi-
tions.

CAP. LXXXV.

An Act further to amend the Act incorporating the Hamilton and Lake Erie Railway Company, and to confirm certain Agreements for granting running powers to other Companies over their line of Railway, and for other purposes.

[Assented to 29th March, 1873.]

WHEREAS by an Act of the Parliament of this Province, passed in the thirty-third year of Her Majesty's reign, intituled "An Act to authorize the construction of a Railway from some point in the City of Hamilton to Caledonia," certain persons therein named were incorporated under the name of "The Hamilton and Lake Erie Railway Company," and thereby authorized to construct a railway to Caledonia, and it was in and by the said Act recited that a railway had several years previously been commenced between the same points by the Hamilton and Port Dover Railway Company; but by reason of financial embarrassments, the company, after expending a large amount of money, were unable to complete the same, and that the said company, in pursuance of its powers, had granted a mortgage over the railway, to secure the bonds issued for its construction, but that the trustees named therein were both dead, and the said undertaking being then valueless, it was expedient to provide some means of rendering the same available to the creditors having liens thereon, and useful to the public; and it was therefore enacted that all and singular the estate, right, title, and interest of the said company which had been vested in the said trustees, and which they and a certain judgment creditor had therein, should thereafter become vested in certain persons named therein, as trustees for sale, and they were thereby empowered to sell the said undertaking, and all and singular the lands and premises so mortgaged, or any part thereof, by public auction, or private contract, as therein provided, and that the said Hamilton and Lake Erie Railway Company should have power to purchase all and singular the said railway, its lands or privileges and appurtenances, upon such terms as might be agreed on between them and the said trustees, and either for cash or in deferred bonds of the company, or in shares of the capital stock of the company, or partly in

Preamble.

in one or other of such modes of payment; and that the said Hamilton and Lake Erie Railway Company should, upon the transfer to them of the said railway and works, possess and enjoy the same, and the same should thereupon vest in and absolutely belong to the company, freed and discharged from all claims under the said mortgage or the said judgment, and from any claim by the shareholders of the said railway; and the company should thereafter possess all the rights, powers, claims, benefits, franchises, and privileges granted to, conferred on, or held and possessed by the said Hamilton and Port Dover Railway Company, or the said mortgagees, or any of them: And whereas, in pursuance of the powers and authorities so granted to the said company, and to the said trustees, by the Act now in recital, the said Hamilton and Lake Erie Railway Company did purchase from the said trustees certain of the lands of the said railway, its privileges, and appurtenances, at or for a certain sum, payable partly in deferred bonds, and partly in stock of the company; and thereupon the said trustees did, by indentures bearing date the fifteenth day of May 1872, convey and assure the same to the said Hamilton and Lake Erie Railway Company or their appointees: And whereas, the Hamilton and Lake Erie Railway Company have presented their petition, setting forth, in effect, the several statements hereinbefore set forth and recited, and that they have, since acquiring the said lands of the Hamilton and Port Dover Railway Company, proceeded with and completed the construction of the line of their railway to Caledonia, and are constructing the same to Jarvis, as authorized by an amendment to their said charter, and have entered into agreements with the Great Western, the Grand Trunk, and Canada Southern Railway Companies, for granting to them, and such other companies as may desire the same, running powers over their said railway, and have prayed that the said agreements may be confirmed, and the company may be authorized to issue first mortgage bonds over their line, to the extent hereinafter mentioned, in place of the two classes of bonds authorized by the said Acts, and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Property and rights of Hamilton and Port Dover Railway vested in Lake Erie Railway.

1. The powers, lands, rights, privileges, franchises, and appurtenances of and belonging to the Hamilton and Port Dover Railway Company, so purchased and acquired, are hereby confirmed to, and absolutely vested in, the Hamilton and Lake Erie Railway Company.

Certain agreements with other lines confirmed and authorized.

2. The said agreements for granting running powers to the said other companies are hereby confirmed and extended for the term of nine hundred and ninety-nine years; and it shall and may be lawful for the Hamilton and Lake Erie Railway Company,

Company, hereinafter called "The Company," to grant similar powers to any other railway companies that may from time to time apply therefor, on such or similar conditions as may then exist with the said Great Western, Grand Trunk, or Canada Southern Railway Companies, or either of them, as provided for in clause eighteen of said agreement.

3. In lieu of the borrowing powers in the said recited Acts contained, it shall be lawful for the directors to issue terminable bonds or perpetual debenture stock, bearing seven per cent. interest, which bonds or debenture stock shall *pari passu* be a first charge, lien or security, in and upon the line of railway and its lands and premises, (save and except those mentioned in the schedule to this Act) and upon its rolling stock, plant and machinery, without registration or formal conveyance; and such bonds or debenture stock shall be applied first to replace the said deferred bonds granted for payment of the bonded and judgment debt of The Hamilton and Port Dover Railway, and then to the construction and equipment of the said railway, by the said Act and this Act authorized to be constructed: Provided always, that the amount of such bonds or debenture stock together with the deferred bonds (if any shall be issued as hereinafter provided), shall not in the aggregate exceed twenty thousand dollars per mile for each mile of railway constructed between the waters of Lake Ontario at Hamilton and the waters of Lake Erie at Port Dover, nor ten thousand dollars per mile for the extension beyond such last mentioned point: And provided also, that if any bondholders of the Hamilton and Port Dover Railway shall decline to accept first mortgage bonds in payment of their claims in lieu of such deferred bonds, the directors shall have power to issue deferred bonds in payment thereof, as in the said recited Act is provided, in terms of the agreement made with the said trustees with the approval and consent of the majority of the bondholders.

Authority to
issue debentures.

4. The directors of the company shall, under such rules and regulations as they may from time to time deem expedient, have full power and authority to establish and maintain an office or agency in London, England, and a similar office or agency in New York, for the purpose of regulating and carrying on the business of issuing and transferring shares and debenture stock of the company, and generally to do all matters and things that may be necessary or desirable in regard to the transferring of, or arrangements connected with, the capital of the company, and all such acts and proceedings shall be considered precisely the same as if carried on in the office of the company in this Province.

Establishment
of offices in
London and
New York.

5. Each of the companies which have or shall become parties to the said agreements, or which shall obtain running powers over the said road, as is therein provided, shall have the privilege of appointing a director who shall have a seat at the board

Companies
making agree-
ments may
each appoint
a director.

of

of The Hamilton and Lake Erie Railway Company, with similar powers, rights and privileges as the other directors, except that such grantees directors shall not be eligible as president or vice-president, but the quorum of such board shall remain as at present.

Companies having running powers over the line not to hold stock.

6. Neither of the companies which have or shall obtain running powers over the said line, shall directly or indirectly acquire, hold or possess any shares in the capital stock of The Hamilton and Lake Erie Railway, but any such transfer shall be null and void to all intents and purposes whatsoever, and with a view to prevent any such dealing with the said shares, no transfer shall be valid until approved of by the directors, and if the directors shall have any reason to suspect that such transfer is being made in violation of this enactment they may in their discretion require the transfer to be made to them at the then market price of the shares, and may reissue the same on such terms and to such person or persons as they may from time to time decide on.

Annual meetings.

7. Hereafter the general annual meeting of shareholders of the company shall be held at the offices of the company in the City of Hamilton, on the third Wednesday of May in each year, at the hour of twelve o'clock, noon, or at such other time or place as shall be fixed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published in the City of Hamilton, instead of in the papers referred to in the said recited Act.

Notice.

Special general meetings.

8. Special general meetings of the shareholders may be held at such places and at such times as the directors may decide on, on giving similar notice to that provided in the last preceding section.

33 V., c. 36, s. 16, amended.

9. Clause sixteen of the said Act passed in the thirty-third year of Her Majesty's reign is hereby amended, and it is hereby declared and enacted that it shall not be necessary for the secretary and treasurer to countersign such promissory notes or bills of exchange as therein provided, but the signature of either shall be sufficient.

Power to acquire lands for gravel pits, &c.

10. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the road-

way;

way; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Railway Act
to apply.

11. When said gravel, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the said railway is constructed, for the purpose of repairing and maintaining the said railway.

Company may
lay down
tracks to lands
used for gravel
pits, &c.

Railway Act
to apply.

12. The company shall have full power to purchase or lease any wharves, piers or harbours, at the lake termini of the railway, and also to purchase or lease any land for the purpose of erecting and to erect thereon warehouses, elevators, docks, stations, workshops and offices, and to sell, dispose of, and convey all such lands as they may now or hereafter deem superfluous, and convey such lands by deed under their common seal, and a deed so executed shall be effectual to vest the lands comprised therein in the grantee, or purchaser of the said lands freed and discharged of the said charge or lien, as though he had acquired the same from the party or parties from whom the same had by the said railway company been obtained.

Power to
erect wharves,
&c.

13. The company may also make use of, for the purpose of the said railway, the water of any stream or watercourse over or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse, but being liable to make compensation to any person who may be damnified by such user.

Power to use
streams, &c.

14. The company shall have power and authority by the vote

Power to pur-
chase vessels.

vote of a majority of the shareholders at a meeting duly convened for that purpose, to hold, purchase, and acquire or charter as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight, or other traffic on the said railway.

Mode of submitting by-laws to rate-payers.

15. It shall be lawful for any municipality to submit such by-laws as are mentioned and referred to in the sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, and the same shall be submitted, if petitioned for, in the following manner, that is to say :

1. In the case of a county municipality by the county council, on a petition of the majority of the reeves and deputy-reeves, or of two hundred resident freeholders who may be duly qualified voters under the Municipal Act ;

2. In the case of other municipalities, and of sections of such municipalities, by the councils of such municipalities on the petition of the majority, or of fifty resident freeholders being duly qualified voters as aforesaid ; and

3. In the case of municipalities or portions of municipalities which form part of a county municipality, by the council of such county municipality, on the petition of the majority of the reeves and deputy-reeves as therein is provided, or of fifty resident freeholders who are duly qualified voters as aforesaid.

34 V., c. 41,
s. 6, how to be
read.

4. And the said sixth clause shall be read as varied and amended by this Act.

SCHEDULE.

(Section 3.)

That portion of lot 12 in the first and broken front concessions of the Township of Barton, generally known and referred to as the Land Farm, comprised in the mortgages to the Hon. J. Hillyard Cameron, except that portion which shall be actually used and occupied as part of the track or station grounds.

Lots 149 to 158 inclusive, on East Avenue.

Lots 125, 126, 127, 128 and 130, on the east side of Victoria Avenue.

Lot 158 on Emerald Street, in Russell Prentiss' survey.

The south-easterly end of lot number 2, in the fourth concession of Barton, more particularly described in the conveyance from Adam Hope and other trustees named in the Act, recited in the foregoing Act, to Alexander Harvey and others.

Part of lot 9, in the third concession of Barton, formerly owned by Nehemiah Merritt, and the property at Caledonia acquired from Wm. H. Mattice, save and except so much thereof as may be taken for the track.

CAP. LXXXVI.

An Act respecting the Canada Southern Railway Company.

[Assented to 29th March, 1873.]

WHEREAS The Canada Southern Railway Company has Preamble.
 petitioned for power to build certain branches and to have
 the times limited by the second section of an Act passed in the
 thirty-fifth year of the reign of Her Majesty Queen Victoria,
 chaptered forty-eight, and for other corporate powers; and it is
 expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The respective times limited in and by the first section of
 of "An Act to confer further corporate powers on the Can-
 ada Southern Railway Company," passed in the thirty-fifth
 year of the reign of Her Majesty Queen Victoria, and chap-
 tered forty-eight, are hereby respectively extended each for the
 further period of two years. Times limited
 by 35 Vic.,
 ch. 48, s. 1,
 extended for
 two years.

2. The said company may construct a branch from any point
 on its line of railway in the Township of Enniskillen, to some point
 at or near the Village of Petrolia, in the said township; also to
 some point at or near the Village of Oil Springs, in the said town-
 ship; also one or more branches from any point on its line of rail-
 way in the County of Welland, to any point on the Niagara River,
 or to the line of the Erie and Niagara Railway Company, in the
 Counties of Lincoln and Welland: and the several clauses of the
 Act chaptered sixty-six, of the Consolidated Statutes of the for-
 mer Province of Canada, intituled "An Act respecting Rail-
 ways," which by the second section of the Erie and Niagara Ex-
 tension Railway Act of 1868 are incorporated with that Act;
 and all and every the powers conferred by the said last men-
 tioned Act or any Act amending the same or relating to the
 Canada Southern Railway Company shall be taken, held and
 construed to apply to any branch line hereby authorized to be
 constructed: Provided, that the construction of such branches
 shall be commenced within two years, and completed within
 four years, otherwise the powers conferred by this section shall
 become void as to any such branch not commenced and com-
 pleted within the respective times aforesaid. Powers of
 construction
 of branch
 lines.

 Time for com-
 mencement
 and construc-
 tion.

3. The said company shall have power to guarantee for the
 loan of its credit to, or become guarantors for or may subscribe
 to or become the owners of stock in any railway company, with
 the line of which their line may be in connection, or any rail-
 way company over the line of which they may now have or
 hereafter Powers of
 guarantee, &c.

Proviso.

hereafter may make arrangements for running powers or the conveyance of traffic: Provided, that the power given under this clause shall not be exercised, unless sanctioned by a vote to that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose or at the annual general meeting.

Certain by-laws and debentures confirmed.

4. The by-law numbered one hundred and ninety-four, passed by the corporation of the County of Elgin, intituled "A by-law to aid and assist the Canada Southern Railway Company, by giving two hundred thousand dollars to the said company by way of bonus, and to issue debentures therefor and to authorize the levying of a special rate for the payment of the debentures and interest;" the by-law passed by the corporation of the Township of Townsend, intituled "By-law of the municipal corporation of the Township of Townsend to aid and assist the Canada Southern Railway Company, by giving thirty thousand dollars to the said company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest;" the by-law passed by the Corporation of the Township of Dereham, bearing date the twelfth day of October, 1870, to aid and assist the Canada Southern Railway Company, by giving thereto the sum of fifteen thousand dollars; the by-law, numbered one hundred and thirty-eight, passed by the corporation of the Township of South Norwich, intituled "By law of the municipal corporation of the Township of South Norwich, to aid and assist The Canada Southern Railway Company by giving fifteen thousand dollars to the said company, by way of bonus, to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest;" the by-law, lettered S, passed by the corporation of the Township of Malden, intituled "By-law to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the Company, by way of bonus, and to issue debentures therefor, and to authorize the levying a special rate for the payment of such debentures and interest;" the by-law numbered sixty-seven passed by the corporation of the Township of Anderdon, intituled "A by-law to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the company, by way of bonus, and to issue debentures therefor, and to authorize the levying a special rate for the payment of such debentures and interest;" the by-law numbered seventy-four, of the corporation of the Town of St. Thomas, intituled "A by-law to aid and assist The Canada Southern Railway Company, by giving a bonus of twenty-five thousand dollars to the said company, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" the by-law numbered ninety-nine, passed by the corporation of the Town of Amherstburg, intituled "A by-law to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the said company,

by

by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of debentures and interest;" and all debentures issued, or that may hereafter be issued under either of said by-laws be, and the same are declared legal, binding, and valid upon the said respective corporations of the County of Elgin, the Township of Townsend, the Township of Dereham, the Township of South Norwich, the Township of Malden, the Township of Anderdon, the Town of St. Thomas, the Town of Amherstburg, and all others whomsoever, any law or statute to the contrary notwithstanding: Provided always, that nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, in respect of the debt contracted under the Act establishing a consolidated municipal loan fund for Upper Canada and Acts amending the same: Provided further that nothing in this Act contained shall in any way affect or qualify the conditions, or any of them in the said by-laws, or any of them contained upon or subject to which the bonus or any of them mentioned in the said by-laws or any of them are to be given to the said Canada Southern Railway Company. Proviso.

5. Whereas the said Company have constructed their railway bridge over Kettle Creek, in the County of Elgin, and have in so doing, with the assent of the Municipality of the Town of St. Thomas in the said County, encroached upon Talbot Street in the said town and have diverted the same: Now therefore such encroachment and diversion and the construction of the said bridge in the manner aforesaid is hereby declared lawful: Provided that nothing herein contained shall prevent the said company from changing the construction of the said bridge so as to restore the highway to its original state. Bridge over Kettle Creek, location of, confirmed.

6. That the said company shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have the consent of the municipality in which the said road is situated, by a by-law passed for that purpose, and provided a road adjacent thereto, and convenient for the public, be provided in lieu of any such closed road. Power to close up roads.

7. The Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, chaptered thirty-two, and intitled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company," may be cited as "The Canada Southern Railway Act, 1869." Short title of 33 Vic., c. 32.

8. The Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chaptered forty-eight, and intitled "An Act to confer further corporate powers on the Canada Southern Railway Company," may be cited as "The Canada Southern Railway Act, 1872." Short title of 35 Vic., c. 48.

Short title of
this Act.

9. This Act may be cited as "The Canada Southern Railway Act, 1873."

CAP. LXXXVII.

An Act consolidating and amending the Act incorporating the Stratford and Huron Railway Company, and the Acts reviving and amending the same.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Stratford and Huron Railway Company have, by their petition, prayed that the Act of Parliament of the late Province of Canada, incorporating the said Company, passed in the eighteenth year of the reign of Her Majesty Queen Victoria, and chaptered one hundred and eighty-four, and all subsequent Acts, amending and reviving the same, may be amended and consolidated as hereinafter mentioned: And whereas it is expedient to grant the prayer of the said petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. From and after the passing of this Act, Peter Robinson Jarvis, Andrew Monteith, Thomas Mayne Daly, Daniel Home Lizars, James Kyle, James Redford, James Corcoran, Peter Watson, William Buckingham, Gilbert Horne, William Gordon, John Idington, James Alexander McCulloch, Alexander Williamson, James Peter Woods, Alfred E. Davis, Edward Winstanley, James Foster, Robert Jones, James Sills, John Kastner, William Baumbach, Samuel Whaley, Valentine Kertcher, and John Leckie, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Stratford and Huron Railway Company."

Corporate
name.

Location of
main line.

2. The said company, hereby incorporated, shall be, and they are hereby authorized and empowered to make and maintain a double or single line of railway, with all the works, stations and equipments thereof, extending from some convenient point in the Town of Stratford, in the County of Perth, to the Town of Southampton, in the County of Bruce, or to any point at or between Kincardine and Southampton, on Lake Huron, that seems most expedient for establishing a terminus or termini of the said railway; and with power to make branches
from

from some point or points on the main line, to or near the Towns Branch lines, of Kincardine and Owen Sound respectively.

3. The said railway may be of any gauge.

Gauge.

4. The several clauses of the Railway Act of the Consolidated Statutes of Canada with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "presidents and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway" and "general provisions," and the Acts in amendment of the said Act shall be incorporated with, and be deemed to be a part of this Act; and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

5. From and after the passing of this Act, until the first election of directors, Peter Robinson Jarvis, Thomas Mayne Daly, Daniel Home Izars, James Kyle, James Redford, William Buckingham, James Corcoran, Peter Watson, Gilbert Horne, William Gordon, John Idington, James Alexander McCulloch, Alexander Williamson, James Peter Woods, Alfred E. Davis, Edward Winstanley, James Foster, Robert Jones, James Sills, John Kastner, William Baumbach, Samuel Whaley, Valentine Kertcher, and John Leckie, shall be provisional directors, and constitute the board of directors, with power to fill vacancies occurring therein, open stock books, procure subscriptions of stock, and make a call on shares subscribed; and seven of the said provisional directors shall be a quorum; and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company, and on boards of directors under the Railway Act, until the board of directors, hereinafter provided to be elected by the shareholders, shall have been elected in accordance with the provisions hereinafter made in that behalf; and it shall be their duty as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Provisional Directors.

Their powers.

6. The capital of the company, hereby incorporated, shall be fifty thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into one thousand shares of fifty dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and

Capital of the Company \$50,000, with power to increase.

and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of said capital stock, the municipality of any city, county, town, township or village, on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Deposit on
subscription.

7. On the subscription of shares of the said capital stock, each subscriber shall pay into some chartered bank to be designated by the directors, to the credit of the company, for the purposes set out in this Act, ten per centum of the amount subscribed by him.

Calls.

8. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital, and notice shall be given of all such calls in manner provided for meetings in section fourteen of this Act; and no calls shall be payable at intervals of less than thirty days.

First election
of Directors.

9. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Stratford (which shall on no account be withdrawn therefrom, unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

Neglect to call
meeting.

10. In case the provisional directors neglect to call such meeting for the space of three months, after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than fifteen hundred dollars of the said capital stock, and who have paid up all calls thereon.

Time and place
of meeting.

11. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week for the space of at least one month; and such meeting shall be held in the Town of Stratford, in the County of Perth, at such place therein, and on such day as may be named by such notice.

12. At such general meeting, the subscribers of the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, of whom four shall form a quorum for the transaction of business, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

13. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder, holding, at least, five shares of stock in the company, and unless he has paid up all calls thereon.

Qualification of directors.

14. Thereafter, the general annual meeting of the shareholders of the said company shall be held in such place, in the Town of Stratford, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in each of the counties through which the railway runs; but it shall and may be lawful for the said board of directors, if they shall see fit, from time to time to call meetings of the shareholders of the said company, other than the said general annual meeting, first giving a similar notice of the time and place thereof.

Annual meeting.

Power to call special meetings.

15. Every subscriber for stock in the capital of the said company shall, within five days after his subscription therefor, pay not less than ten per centum of the amount subscribed by him into such one of the chartered banks doing business in Ontario as the directors of the said company shall have appointed for that purpose; and, until such payment, any such subscription shall not confer any rights whatever upon the person subscribing; but he shall nevertheless be and continue to be liable to pay such ten per centum and every other sum and call which may become due or be made in respect thereof, but the said company may, by resolution to be passed at any meeting of the board of directors thereof, declare any number of shares so subscribed for, but upon which the said ten per centum or any other sum or call which may become due or be made in respect thereof shall not have been paid on the day appointed for payment thereof, forfeited to the said company; and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such railway, or from the dissolution of the company from any cause whatever; and the said directors, or a majority of them, may, in their discretion, exclude any persons from subscribing, who in their judgment would hinder, delay or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed the said provisional directors shall allocate and apportion it among the subscribers as they shall deem

Subscribers to pay up ten per cent. within five days, otherwise directors may cancel subscription.

Powers to exclude persons from becoming shareholders.

Rights of
aliens.

deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said railway; and any shareholder in the said company, whether a British subject or alien or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company and to vote on the same and to be eligible to office in the said company.

Form of con-
veyances.

16. All deeds and conveyances for land required by the said company may be in the form given in schedule "A" annexed; and all Registrars are required to register the same on the production of a duplicate thereof with an affidavit of due execution; and no Registrar shall be entitled to more than seventy-five cents for registering the same, including all entries and certificates endorsed on the duplicate thereof.

Power of mu-
nicipalities,
or portions
thereof to
grant aid.

17. And it further shall be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality, or municipalities, or county municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass, or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them or any portion of any of them shall think expedient; and the aid and assistance to be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set forth in the by-laws for granting such aid be the metes and bounds of townships or be so defined as to comprise a township or townships and portions of townships, or only portions of townships; and in case of a portion of a township municipality granting such aid, then the debentures to be issued should and shall be those of such township municipality, or, in case of portions of a county municipality as aforesaid, such debentures should and shall be those of the county municipality; and the proper council may, of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portions of the municipality to be affected thereby: Provided always, that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the rate-payers, as provided in the Municipal Act for the creation of debts.

Proviso.]

Aid on a peti-
tion.

18. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified

qualified voters under the Municipal Act, do petition the council of such municipality, in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a loan, guarantee or bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters.

19. In case aid is desired from any portion of a township municipality, if at least thirty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus, loan or guarantee to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters.

Aid from part
of a township.

20. In case aid is desired from any county municipality, or any portion of a county municipality, upon the petition of at least fifty persons, who are qualified voters, as aforesaid, within such county municipality, or portions of the county, as the case may be, or upon a petition of the majority of the reeves and deputy-reeves of each county municipality as reside in the said portion from which aid is desired, and, in the case of a portion of the county, do, in such petition, define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and, in either case, in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus, loan or guarantee to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-laws and submit the same to the vote of the qualified voters of the county, or of the portions of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion :

Aid from
counties.

1. For raising the amount so petitioned for by such freeholders, or such reeve and deputy-reeves in such portion of the municipality, by the issue of debentures of the county municipality, payable in twenty years, or by equal annual instalments of principal with interest ;

2. For assessing and levying upon all ratable property lying within the section defined by said petition, an equal annual special rate sufficient to include a sinking fund for the regular payment

payment of the debentures, with interest thereon, said interest to be paid yearly or half yearly, which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Meeting of council to introduce by-law.

21. Upon any such petition being presented to the warden or other head of any county, or the reeve, mayor or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters.

Council to pass by-law if carried.

22. And in case the by-law of any municipality or portion of a municipality be approved or carried by a majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

And issue debentures.

23. And, within three months after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus, loan or guarantee thereby granted.

Assessment in aid by part of municipality.

24. In case any bonus, loan or guarantee be so granted by a portion of a local municipality or county municipality, the rate to be levied for the payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the local municipality or county municipality.

Municipal Acts applied when by law passed by part of a municipality.

25. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Assessment not to exceed 3 cent. in the dollar.

26. All by-laws to be submitted to such vote for granting bonuses, loans or guarantees to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Exemption from taxation.

27. It shall further be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition

for

for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient; and any such by-law shall not be repealed unless in conformity with any condition contained in such by-law.

28. When any municipality shall grant a bonus of not less than thirty thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality, and such director shall be in addition to all shareholders' directors, a director in the said company, and shall not require to be an individual shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents, the council of which is hereby authorized to nominate and appoint such director.

Municipal
directors.

29. Whenever any municipality, or portion of a municipality, shall aid, loan, guarantee or give money or bonds, by way of a bonus, to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid, so given, upon works of construction within the limits of the municipality granting the same, or upon such other portion of the said line of railway as the said municipality may see fit to direct: but such direction, once given, shall not be withdrawn, or in any way qualified.

When aid
granted by a
municipality
the company
may agree to
expend
amount there-
of as the mu-
nicipality may
direct.

30. Whenever any municipality, or portion or portions of a municipality, shall grant a bonus or loan to assist the said company in the making, equipping and completion of the said railway, the debentures therefor or bonds may, at the option of the said municipality, within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of municipalities granting such bonuses, or the majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose, notice of which shall be sent to each reeve, mayor or warden of the municipalities respectively, by mail, at least fourteen days before the day appointed; all the trustees to be residents of the Province of Ontario: Provided that if such Reeves, mayor or warden shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall refuse or neglect to name said trustee, within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed, and a new trustee appointed in his place, at any time by the Lieutenant-Governor

Debentures to
be held by
trustees.

How trustees
be appointed.

Removal and
appointment
of trustees.

Governor

Governor in Council with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on which the debentures are to be held.

31. The said trustees shall receive the said debentures or bonds in trust; firstly, to convert the same into money: secondly, to deposit the amount realised from the sale in some of the chartered banks, having an office in the Town of Stratford, in the name of "The Stratford and Huron Railway and Municipal Trust Account," and to pay the same out to the said company, from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto annexed, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done; and such certificate shall be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate, under penalty of being deemed guilty of a misdemeanor.

Acts of two trustees to be binding.

32. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Directors may issue bonds.

33. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting, to be called, from time to time, for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money to prosecute the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided,

Limit to issue.

however, that the whole amount of such issue of bonds shall not exceed, in all, the sum of ten thousand dollars per mile, nor shall the amount of such bonds, issued at any one time, be in excess of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or materials actually purchased, paid for and delivered to the company, within the Provinces of Ontario or Quebec; And provided also, further, that in the event, at any

any time, of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, as are attached to shareholders: Provided, that the bonds and any transfers thereof shall have been first registered, in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

Bondholders
entitled to
vote.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note or bill of exchange, made, drawn or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, drawn or endorsed, shall be presumed to have been so made, drawn or endorsed with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or the notes or bills of a bank.

Negotiable
instruments.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient.

Company may
purchase additional
lands.

36. It shall be lawful for the said company, with the consent of two-thirds of the shareholders and bondholders present at a special general meeting called for the purpose, to enter into agreements with any other railway company in the Province of Ontario whose line may connect with such road, for building or leasing, or equipment and maintenance of the said railway or any part thereof, or the use thereof, at any time or times

Company may
enter into
agreements
with other
companies for
use of road,
&c.

times, or for any period to or by such other company; or for leasing or hiring, from such other company, any railway or part thereof or the use thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally, to make any agreement or agreements with any such other company, touching the use by one or the other or by both companies, of the railway or moveable property of either; or of both or any part thereof; or touching any service to be rendered by the one company to the other, and the compensation therefor; and such other railway company, as well as any other corporation, may agree upon any terms, or they may mutually consent for the loan of its credit to, or may subscribe to, or become the owner of, the stock of the railway company hereby created, in like manner and with the like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting or executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

Preliminary expenses, how paid.

37. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company by a vote of the provisional board of directors.

Municipalities empowered to pass by-laws, to enable Company to lay rails on highways.

38. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint-stock company, and if such be either in the possession or under the control of any joint-stock company, then with the assent of such company; and it shall be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation, or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Power to purchase and hold ten acres at each of the termini of the line.

39. It shall and may be lawful for the said company to purchase and hold, as their own absolute property, wharves, piers, harbours and lands, not exceeding ten acres at each extremity of the said railway, for the purpose of building, and to build thereon elevators, wharves, storehouses, warehouses, engine houses, sheds and other erections, for the use of the said railway company; and the same, or a portion thereof, in their discretion, subsequently, to sell, lease or convey; and also to

purchase

purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time, to ply on lakes, rivers and canals of this Province in connection with the said railway; and also to make arrangements and agreements with steam-boat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals.

Agreements,
&c., as to
vessels.

40. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said company.

Telegraph
lines.

41. The said railway company shall, at all times, receive and carry cordwood, or any wood for fuel, at a rate not to exceed, for dry wood, one and one-half cent per mile per cord, for all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile for all stations under fifty miles, in full car loads, and for green wood at the rate of two and one-half cents per ton per mile; all wood cut and piled before the first day of April in any year shall be deemed dry wood by the first day of October following.

Company to
receive and
carry cord-
wood at cer-
tain rates,

42. The company shall further, at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in other freight carried over the said railway.

and furnish
facilities for its
transportation.

43. The railway shall be commenced within two years, and completed within seven years after the passing of this Act.

Commence-
ment and com-
pletion of rail-
way.

44. Such parts of the following Acts of the Parliament of the late Province of Canada, that is to say: an Act passed in the eighteenth year of Her Majesty's reign, and chaptered one hundred and eighty-four; an Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, and chaptered twenty six; and an Act passed in the twenty-eighth year of Her Majesty's reign, chaptered eighty-eight; and of an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-fifth year of Her Majesty's reign, and chaptered fifty-one, as are inconsistent with this Act, are hereby repealed.

Repeal of
former Acts.

CAP. LXXXVIII.

An Act to amend the Act intituled "An Act to incorporate the Port Dover and Lake Huron Railway Company," and to extend the powers conferred upon the said Company.

[Assented to 29th March, 1873.]

WHEREAS the said company have petitioned that an Act Preamble. may be passed to amend the said Act, and to extend the powers conferred upon the said company; And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section two of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-three, is hereby amended by adding thereto the words "and" 35, amended. "after having so acquired the same, or any part thereof, the said company shall be held to be, and shall be, entitled to all the powers, rights and privileges theretofore possessed and enjoyed in and over the said lands and road bed, by the said Woodstock and Lake Erie Railway and Harbour Company, in addition to those otherwise conferred, but shall not thereby become charged or chargeable with any of the liabilities of the said company in respect thereof."

2. Section eleven of the said Act is hereby amended by inserting therein, immediately after the word "company," in the fourth line of the said section, the words "of whom four shall form a quorum for the transaction of business." Sec. 11 amended.

3. Section thirteen of the said Act is hereby amended by adding thereto the words "but it shall and may be lawful for the said board of directors, if they shall see fit, from time to time, to call meetings of the shareholders of the said company, other than the said general annual meeting, first giving a similar notice of the time and place thereof." Sec. 13 amended.

4. Section sixteen of the said Act is hereby amended by adding thereto the words "and it shall be the duty of every township council, upon the petition of at least fifty of the persons rated on the last revised assessment roll of such township as freeholders, to at once take the necessary steps for the introduction and passing of such by-law." Sec. 16 amended.

5. Section seventeen of the said Act is hereby amended by inserting the word "township" immediately before the word "municipality" in the second line thereof. Sec. 17 amended.

Sec. 18
amended.

6. Section eighteen of the said Act is hereby amended by adding thereto the words "or upon such other portion of the said line of railway as the said municipality may see fit to direct, but such direction once given shall not be withdrawn or altered, or in any way qualified."

Sec. 22
amended.

7. Section twenty-two of the said Act is hereby amended by striking out the words "the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars," and substituting the words "such issue of bonds shall not exceed nine thousand dollars per mile for each mile in length of the said proposed railway."

Sec. 26
amended.

8. Section twenty-six of the said Act is hereby amended by inserting therein, after the word "for" in the fifth line thereof, the words "building or," and after the word "leasing," in the same line, the words "equipment and maintenance of."

Laying rails on
roads.

9. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway: and all agreements heretofore made in this behalf are declared to be valid and binding on the company.

Power to hold
wharves, etc.

10. It shall and may be lawful for the said company to purchase and hold property, not exceeding ten acres at each extremity of the said railway, for the purpose of building, and to build thereon elevators, wharves, storehouses, warehouses, engine houses, sheds and other erections for the use of the said railway company, and the same or a portion thereof in their discretion subsequently to sell and convey; the said company shall further have power to purchase, build, complete, fit out and charter, sell or dispose of, work and control, and keep in repair, one steam vessel or more, from time to time to ply on the inland rivers and lakes adjacent to the said railway, in connection with the said railway.

and purchase,
etc., vessels.

Telegraph
lines.

11. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies are hereby

hereby conferred upon the said company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines to be constructed by the said company.

12. The election of Gilbert Moore, J. E. Bullock, Nathaniel O. Walker, Henry Parker, Thomas Jehu Clarke, James Redford, and Samuel Street Fuller as directors of the said company, at a general meeting of the subscribers of the capital stock thereof, held at the Town of Woodstock, in the County of Oxford, on the seventeenth day of December, one thousand eight hundred and seventy-two, is hereby confirmed.

Election of directors on 17th Dec., 1872, confirmed.

13. It shall be lawful for the said company and any such municipality as aforesaid, which shall pass a by-law granting to the said company a bonus in aid of the construction of the said railway, to enter into an agreement under the corporate seals that the said bonus, when paid over, shall be given and received, on and subject to the condition that in case the said company amalgamate with or lease the railway to any other railway company, or grant to any other railway company, or to any person or corporation, exclusive running powers over, or exclusive rights, to use, interfere with, or exercise any power over the said railway, then, and in any such case the said company shall, at the expiry of two months after demand, return to the municipality demanding the same the amount of such bonus without interest, up to the time of such demand.

Bonuses granted to company to be refunded if railway is leased.

14. In case more than one municipality shall have granted, or shall grant a bonus or bonuses as aforesaid on the terms of any such agreement as in the thirteenth section mentioned, such municipalities making demand as aforesaid for return of bonus, shall not as between themselves be entitled to any priority, but shall be paid *pari passu*.

Municipalities are to be refunded *pari passu*.

CAP. LXXXIX.

An Act to amend the Act intituled "An Act to incorporate the London, Huron and Bruce Railway Company," and an Act intituled "An Act respecting the London, Huron and Bruce Railway Company," and to extend the powers conferred upon the said Company, and for other purposes.

[Assented to 29th March, 1873.]

WHEREAS the London, Huron and Bruce Railway Company have petitioned that an Act may be passed to amend the Act passed in the thirty-fourth year of the

Preamble.

the

the reign of Her Majesty Queen Victoria, and chaptered forty-two, and an Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered forty-nine, intituled "An Act respecting the London, Huron and Bruce Railway Company," and to extend the powers of said Company, and to declare valid the by-laws of the several municipalities passed to aid by way of bonus in construction of the railway authorized by the said Act, and for other purposes; And whereas, it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreements
with other
railway
companies.

1. It shall be lawful for the said company to enter into any agreement with the Great Western Railway Company or any other railway company, for leasing the said railway or any part thereof, or the use thereof, at any time or times or for any period, to the Great Western Railway Company, or such other company; or for leasing or hiring from any other company any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, or moveable property; and generally to make any agreement or agreements with the Great Western Railway Company, or any such other company, touching the use by the one or the other, or by both companies, of the railway or moveable property of either, or both, or any part thereof; and any such lease or agreement shall be valid and binding, and shall be enforced by a court of law according to the terms and tenor thereof; and the Great Western Railway Company or any other company accepting and executing such lease or agreement shall be and hereby is empowered to exercise all the rights and privileges conferred on the said The London, Huron and Bruce Railway Company, by the said Act incorporating the said The London, Huron and Bruce Railway Company, the Act amending the same, and this Act: Provided that no such agreement shall be valid unless the same shall have been sanctioned at a general meeting of the shareholders of The London, Huron and Bruce Railway Company, specially convened for that purpose.

34 V., c. 42, s.
25, amended.

Issue of
debentures.

2. The twenty-fifth clause of the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered forty-two, is hereby repealed, and in lieu thereof it is enacted:—That the directors of the said company shall have power from time to time, upon being authorized thereto by a vote of the majority of the shareholders present in person or represented by proxy, at a meeting of the company duly called for the purpose, to issue bonds made or signed by the president or vice-president of the company, and countersigned by the secretary, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken to be the first and preferential claims upon the undertaking, and the property of the said company real and personal then existing, and at any time thereafter

thereafter acquired, according and subject to the terms expressed in said bonds; and each holder of any such bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all other holders of such bonds upon the undertaking and property of the company, according and subject to the terms expressed in said bonds as aforesaid: Provided, that the total amount of such bonds outstanding at any one time shall not exceed twelve thousand dollars for each mile of the railway actually contracted for and under construction or completed at the time of such issue; And provided also, that the amount of such issue shall not at any time be in excess of the amount actually expended in surveys, purchase of right of way, and in works of construction and equipment upon the line of said railway, and materials actually purchased and delivered to the said company within the Province of Ontario or Quebec; And provided further, that in the event of any lease or agreement to lease the said railway under the powers conferred by the first section of this Act, the said bonds thereafter issued, and the charge, encumbrance, and claim thereby created, shall be subject to such lease or agreement to lease, and to the terms and provisions thereof; and also that in such event the amount of the bonds to be issued under the powers hereby conferred, shall not exceed ten thousand dollars for each mile aforesaid, without the consent of the company to whom such lease, or with whom such agreement to lease is made, signified by endorsement on such lease or agreement to lease.

3. In computing the mileage referred to in the last preceding clause, sidings shall be included in addition to the main line, not to exceed ten per centum of each mile of railway; but in the event of any lease or agreement to lease said railway under the powers conferred in the first section of this Act, this clause shall not be operative until the consent of the company to whom such lease or with whom such agreement to lease is made has been signified by endorsement on such lease or agreement.

Computation of
mileage.

4. The several by-laws of the municipalities hereinafter respectively named, granting aid by way of bonus to the said The London, Huron and Bruce Railway Company, namely, by-law of the Township of London for the sum of fifteen thousand dollars, passed on the fifteenth day of December, one thousand eight hundred and seventy-one; by-law of the Village of Lucan for seven thousand dollars, passed on the sixteenth day of December, one thousand eight hundred and seventy-two; by-law of the Township of Stephen for seventeen thousand five hundred dollars, passed on the second day of December, one thousand eight hundred and seventy-one; by-law of the Township of Usborne for twenty-five thousand dollars, passed on the second day of September, one thousand eight hundred and seventy-one; by-law of the Township of Hay for fifteen thousand dollars, passed on the twenty-fourth day of October, one thousand eight hundred and seventy-one;

Certain by-laws of municipalities confirmed.

seventy-one; by-law of the Village of Clinton for ten thousand dollars, passed on the twenty-sixth day of October, one thousand eight hundred and seventy-one; by-law of the Village of Clinton for ten thousand dollars, passed on the sixth day of December, one thousand eight hundred and seventy-two; by-law of the Township of Goderich for fifteen thousand dollars, passed on the twenty-seventh day of December, one thousand eight hundred and seventy-two; by-law of the Township of Hullett for fifteen thousand dollars, passed on the fifth day of October, one thousand eight hundred and seventy-one; by-law of the Township of Hullett for ten thousand dollars, passed on the twentieth day of December, one thousand eight hundred and seventy-two; by-law of the Township of East Wawanosh for eighteen thousand dollars, passed on the tenth day of October, one thousand eight hundred and seventy one; by-law of the Township of East Wawanosh for seven thousand dollars, passed on the twentieth day of December, one thousand eight hundred and seventy-two; by-law of the Township of Turnbury for five thousand dollars, passed on the thirtieth day of December, one thousand eight hundred and seventy-two; and a by-law of the Township of Morris for ten thousand dollars, passed on the thirtieth day of December, one thousand eight hundred and seventy-two, and all debentures issued or that may hereafter be issued under any of the said by-laws, be, and the same are hereby declared legal, binding and valid upon the said respective corporations above-named, and all others whosoever, any law or statute to the contrary notwithstanding: Provided always, that nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, against any of the said municipalities, arising out of any debt contracted by any of them under the Consolidated Municipal Loan Fund Act: And provided also, that nothing in this Act contained shall in any way affect or qualify the conditions or any of them in the said by-laws or any of them, or any agreements between the said municipalities respectively and the said company, relating to the said by-laws respectively, or the grants made thereunder.

County councils may exchange county debentures for those of the townships.

5. Any county in which is situated a township or village that has granted or hereafter may grant a bonus or bonuses in aid of the said railway company, shall be at liberty with the consent of the said company to take the debentures issued by such township or village, and in exchange therefor to issue and hand over to the trustees under the said Act incorporating the said company the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Aid from municipalities.

6. In case fifty persons at least who are rated in the last revised assessment roll of any municipality as freeholders, and are qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the petitioners to aid in the construction of said railway

way by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within four weeks after the delivery of the said petition to the reeve or other head of such municipality introduce a by-law for such purpose, according to the terms of said petition, and submit the same without delay and according to law to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty persons who are qualified voters as aforesaid in such portion of a municipality do petition the council of such municipality to pass a by-law, and in such petition do define the metes and bounds of the portion of the municipality by or from which such aid is proposed to be granted, and within which the property of the petitioners shall be situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to be granted by or from such portion, and which they are willing the said portion shall be assessed for, the council of such municipality shall within four weeks after the delivery of such petition to the reeve of such municipality introduce the requisite by-law for the purpose, according to the terms of such petition, and submit the same without delay and according to law to the approval of the qualified voters of the said portion of such municipality; and upon any such petition being presented to the reeve or head of any municipality he shall forthwith call a meeting of the council of such municipality, to be held within three weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters, and the twelfth section of the said Act, chaptered forty-two, is to be read as modified by the foregoing provisions of this Act.

7. In case aid is granted by any portion of a township municipality for the construction of said railway, the debentures issued or to be issued under the by-laws for that purpose should and shall be those of such township municipality, although the rate to be levied under the by-law shall be leviable only on the portion of such township described in such by-law.

Township debentures to be issued when a portion of the township has granted aid.

8. The said railway shall be commenced within three years and be completed within five years from the date of the passing of the said Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered forty-two, and the said Act shall be read and construed and shall have effect as though the said period for the commencement and completion of the said railway respectively had been thereby allowed and limited in lieu of the periods in the said Act originally allowed and limited, notwithstanding anything therein or in the said Act amending the same to the contrary.

Time for commencement and completion of railway extended.

CAP. XC.

An Act to amend the Acts relating to the Midland Railway of Canada, to extend the time for the completion of its extensions, and to authorize the issue of second mortgage bonds.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Midland Railway of Canada have by their petition, set forth that they were authorized by an Act of the Legislative Assembly of Ontario, passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-one, to extend their line of railway, but that they have been unable to complete the whole of the extension so authorized within the term by the said Act limited; and they have, therefore, prayed for an extension of the said period; And whereas, the said railway have also prayed for power to issue second mortgage bonds, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of time for completion of railway.

1. So much of the second section of the Act authorizing the said extension as requires the same to be completed within three years from the passing of the said Act, is repealed, and the time for such completion is extended for a further period of three years from the time limited in the said Act.

Issue of second mortgage bonds.

2. The company may, with the consent of a majority of two-thirds of the shareholders thereof, at a meeting specially called for that purpose, make and issue second mortgage bonds for such amount, not exceeding one hundred and fifty thousand pounds sterling, as may be found necessary for the purposes of the company; and may make such bonds payable in London, England, or elsewhere, as the company may think expedient, and to bear interest at a rate not exceeding seven per centum per annum, payable half-yearly; and such bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens now existing, and subject to the rights of the holders of the existing bonds of the company issued under an Act passed by the Legislative Assembly of Ontario, in the thirty-fourth year of Her Majesty's reign, and chaptered fifty-one, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, including its rolling stock and equipments, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the aforesaid undertaking

ing and property of the company as aforesaid, in priority to all other charges and encumbrances whatsoever, save as are herein before excepted.

3. The said company may, for advance of money to be made thereon, mortgage and deposit and transfer by way of mortgage or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

Company may mortgage their bonds.

4. The said company shall have power to purchase, build, fit out, complete and charter, sell or dispose of, work, control, and keep in repair, steam-tugs, barges, and other vessels, to ply in connection with the said railway.

Power to build &c. steam-boats.

5. Nothing in this Act shall in anywise affect section seven of the Act passed by the Parliament of the late Province of Canada in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered ninety-nine.

This Act not to affect 29 and 30 V., c. 99, s. 7.

CAP. XCI.

An Act to amend and extend the Provisions of the Act incorporating the Simcoe and Port Ryerse Tram or Railroad and Harbour Company.

[Assented to 29th March, 1873.]

WHEREAS the Simcoe and Port Ryerse Tram or Railroad and Harbour Company, incorporated by an Act passed in the twenty-fifth year of Her Majesty's reign, chaptered sixty-two, have petitioned for power to increase their issue of stock and bonds; to obtain aid from municipalities and exemption from taxation; to change their corporate name; to revive all powers granted by said Act of Incorporation which may have lapsed; and to connect their said line of railway with the Great Western Railway at or near the Town of Simcoe, and for certain other amendments of their Act of incorporation; and it is expedient to grant the prayer of their petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed by the Legislature of the Province of Canada in the twenty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered sixty-two, intituled "An Act to authorize the construction of a Tram or Railroad from the Town of Simcoe to the Village of Port Ryerse, in the County of

25 Vic., c. 62, revived, and time for commencement and completion of road extended.

of Norfolk," is hereby revived and declared to be in full force and effect, and the time therein limited for the commencement and completion of the railway thereby authorized to be constructed from Simcoe to Port Ryerse is hereby respectively extended for the period of two years and five years from the passing of this Act.

Certain clauses
of the Railway
Act to apply.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and all Acts amending the same and in force in the Province, shall be incorporated with and deemed to be part of this Act.

Location of
railway.

3. The company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out, construct and finish a railway from a point on the Great Western Railway at or near the Town of Simcoe, in the County of Norfolk, to the harbour and Village of Port Ryerse, in the county aforesaid, on the shore of Lake Erie or Long Point Bay, or as near thereto as may be deemed desirable.

Capital in-
creased.

4. The capital of the said company shall be increased to fifty thousand dollars, to be divided into one thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and harbour and the purposes of this Act.

Present direc-
tors to continue
in office.

5. The present or last elected directors of the said company shall continue in office for the term for which they were elected or appointed, but subject to the existing and future by-laws of the said company.

Meetings of
shareholders.

6. All or any meetings of the shareholders of the said company may be held at such places in the Town of Simcoe, Village of Port Ryerse, City of Hamilton or City of London, and at such times and in such manner, and for such purposes as shall be provided by the by-laws of the said company, and pub
li

lic notice thereof shall be given at least ten days previously in Notice. the *Ontario Gazette*, and in a newspaper published in the Town of Simcoe.

7. Aliens as well as British subjects, and whether resident Aliens may be in this Province or elsewhere, may become shareholders in the shareholders. said company.

8. It shall be lawful for any municipality or municipalities Aid from which may desire to assist in the construction of the said railway, or any part thereof, to aid or assist the said company, by loaning or guaranteeing or giving money by way of bonus or other means to the said company, or issuing municipal bonds or debentures to or in aid of the said company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose to be passed in conformity with the provisions in that behalf of the Acts respecting Municipal Institutions, and all such by-laws so passed shall be valid, provided that the annual rate of assessment shall not exceed the aggregate rate of three cents on the dollar on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt. municipali ties.

9. In case fifty or more persons, rated on the then last revised assessment roll of any municipality as freeholders, who shall be qualified voters under the Municipal Act, in any portion of a municipality other than a county municipality, do petition the council of such municipality, and such petition expressing the desire of the petitioners to aid in the construction of such railway by giving a bonus to the said company and stating the amount which they so desire to grant and be assessed for, to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated; or in the case of a county municipality, if fifty or more persons at least of the qualified ratepayers in the portion thereof sought to be affected; or the majority of the reeves and deputy-reeves of the townships, towns and incorporated villages, that may be asked to grant a bonus do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition to define the townships, towns or incorporated villages, for which they are respectively reeves or deputy-reeves, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount they so desire to grant and be assessed therefor, the council of such county or other municipality shall pass a by-law, which shall, however, before finally becoming valid, be approved of in the manner required by the Municipal Acts, by a majority of the qualified voters voting thereon, in the portion of the municipality in which the aid thereby If portion of a municipality desire to aid, council to pass a by-law,

for issuing debentures,

for levying an annual special rate.

thereby given is to be raised : First, for raising the amount so petitioned for in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or earlier, or by not more than twenty equal annual instalments with interest, such interest to be payable yearly or half-yearly as in such petition mentioned, and for the delivery to the trustees to be appointed, as hereinafter mentioned, of the debentures issued for the amount of such bonus, at the times and on the terms specified in such petition : Second, for assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which debentures, the municipal councils, wardens, reeves and other officers thereof, are hereby authorized and required to execute and issue in such cases respectively.

Duty of heads of councils on receiving return.

Council to pass the by-law within one month after approval of by the ratepayers.

10. Upon such petition it shall be the duty of the warden or other head of the council to call a meeting of the council for the purpose of introducing such by-law and submitting the same to the ratepayers; and within one month after the approval of such by-law by the majority of the said voters voting thereon, the said council shall finally pass the same, and within one month thereafter the said council and warden, mayor, reeve or other heads thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees to be appointed under this Act.

Municipal Act applied when by-law passed by a part of a municipality

11. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality, or county municipality.

Assessment on aid granted by part of a municipality.

12. In case any bonus be so granted as aforesaid, by or for a portion of a local municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereof, shall be assessed and levied upon such portion only of the municipality or county municipality.

Township debentures may be exchanged for county debentures.

13. Any county municipality, in which county is or are situated any township or townships that shall have granted a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures of such township or townships issued therefor, and in exchange therefor to deliver over to the said company, or to the trustees to be appointed hereunder, the debentures of such county, on a resolution being passed to that effect by a majority of the county council, and it shall not be necessary to submit any such resolution to the vote or approval of the ratepayers.

Exemption from taxation.

14. It shall be lawful for the corporation of any municipality through

through any part of which the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality or any part thereof from municipal assessment or taxation and to fix the assessable value of said property for a term of years or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty-one years, as such municipal corporation may deem expedient; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

15. Whenever a municipality or municipalities, or any portion or portions thereof, shall grant a bonus to aid the said company, the debentures therefor shall be delivered to three trustees, one to be named by the said company, one by the warden, for the time being, of the County of Norfolk, and one by the Lieutenant-Governor in Council: Provided, that if the said warden refuse or neglect to name a trustee within four weeks after notice in writing to him of the appointment by the company of a trustee then the company shall be at liberty to name such other trustee instead of the warden, and in event of the death, resignation or inability, or refusal to act of any trustee, the party who originally appointed such trustee may appoint a successor; and in the event of such party failing for two weeks after written notice to appoint such successor, the company may make such appointment.

On aid by municipalities debentures to be delivered to trustees.

Proviso.

16. The act of any two trustees shall be as valid and binding as if the three had agreed.

Act of any two trustees to be binding.

17. The said trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the moneys realized therefrom in some one of the chartered banks having an office in the Town of Simcoe, in the name of "The Port Ryerse Railway Municipal Trust Fund," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule A. hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of road to be applied on the work so done, and such certificates shall be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer shall be punishable by fine of not less than one hundred dollars, recoverable in any court of competent jurisdiction in Ontario.

Trusts on which debentures to be held.

18. And whereas the said company has already issued bonds

Power to issue preferential to bonds.

to the amount of twenty thousand dollars, being the amount limited by the said recited Act, which are secured by a mortgage upon the said harbour and other property of the said company: Be it enacted that the directors of the said company, after the sanction of a majority of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president of the said company, or vice-president, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking. And such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, then existing and at any time thereafter acquired; subject, however, to the said hereinbefore mentioned mortgage securing the said firstly mentioned bonds to the said amount of twenty thousand dollars, the said mortgage being a first charge upon the property of the said company; and each holder of the said bonds to be hereafter issued shall be deemed to be a mortgagee and encumbrancer *pro rata* with all other the holders thereof upon the said undertaking and property aforesaid, subject as aforesaid: Provided always, that the whole amount of such further issue of bonds shall not exceed in all the sum of ten thousand dollars per mile of the said railway, nor shall the amount of such bonds at any one time be in excess of the amount actually expended in the construction of said harbour and railway, or in surveys or for lands or for equipment or material, and the value of the present property of the company over and above the said first mortgage thereon may also be estimated so that bonds to an equal amount may also be issued thereupon.

Proviso.

Bonds, &c.,
may be trans-
ferable by
delivery.

19. All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Power to be-
come parties to
notes, &c.

20. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president

or

or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

21. The said company may enter into any arrangement with any other railway company or companies, for the working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring of any locomotives or other moveable property, from such companies or persons; and generally to make any agreement or agreements with any other company, touching the use, by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding, according to the terms and tenor thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained, at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act: And the company or companies leasing or entering into agreements for using the said line, may, and are hereby authorized, to work the said railway in the same manner and in all respects as if incorporated with its own line.

22. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, legally issue for the construction of the railway or otherwise.

23. The name of the said company is hereby changed to "The Port Ryerse Railway and Harbour Company," by which name the said company shall hereafter be known; and all suits and proceedings now pending or which shall hereafter be brought by or against the said company or to which the said company is or shall be a party shall be carried on under that name.

SCHEDULE "A."

(Section 17.)

CHIEF ENGINEER'S CERTIFICATE.

PORT RYERSE RAILWAY AND
HARBOUR COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT,
A.D. 18 .

No. .

Certificate to be attached to cheques drawn on The Port Ryerse Railway Municipal Trust Fund and given under section of chapter , 36 Vic. :

I, , chief engineer of The Port Ryerse Railway and Harbour Company, do hereby certify that there has been expended in the construction of mile No. , said mileage being numbered consecutively from the Terminus of the said railway in the Village of Port Ryerse, the sum of dollars to date, and that the total *pro rata* amount due for the same from the said fund amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

CAP. XCII.

An Act further to amend the Act incorporating the Norfolk Railway Company.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS by the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered fifty-two, the Act incorporating the Norfolk Railway Company, the Act passed in the thirty-second year of the reign of Her said Majesty, and chaptered fifty-eight, was amended, and power was given to the said company to construct a branch line of railway from any point on the line of the railway contemplated to be made by the first mentioned Act, to or near Port Rowan on Lake Erie; And whereas, it has been ascertained that Port Burwell has a much superior harbour to Port Rowan, and that it would be conducive to the said undertaking that the said branch line should start at some point at or near Brantford, and should extend south-westward to some point on the shore of Lake Erie at or near Port Burwell; And whereas petitions numerously signed by the ratepayers and the municipalities between Port Burwell and Brantford have been presented

presented praying that the said Acts may be so amended that the said company may be permitted to construct a branch or line of railway between the points aforesaid, and may extend the same northward from the town of Brantford to the line of the Credit Valley Railway, or to the line of any other railway north-easterly from Brantford; and it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Norfolk Railway Company, and it is hereby authorized and empowered, for and notwithstanding anything in the Act incorporating the said company, being an Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, or any Act amending the same to the contrary, to construct and operate a branch or line of railway from or near Brantford in the County of Brant, to or near Port Burwell in the County of Elgin, and extend the same northward from Brantford to the line of the Credit Valley Railway, or to the line of any other railway north-easterly from Brantford; and all the powers and franchises contained in the said Act, and in the Act passed in the thirty-fifth year of the reign of Her said Majesty, and chaptered fifty-two, shall or may be exercised in respect of the said line of railway by this Act authorized to be constructed and operated.

Construction
of branch
lines.

2. The time limited by the Act passed in the thirty-fifth year of the reign of Her said Majesty, and chaptered fifty-two, for the commencement of the said railway, shall be extended for the period of one year.

Extension of
time for com-
pleting rail-
way.

CAP. XCIII.

An Act respecting the Omemee, Bobcaygeon and North Peterborough Junction Railway Company.

[Assented to 29th March, 1873.]

WHEREAS it has been found impracticable to build the line of railway authorized to be constructed by the Omemee, Bobcaygeon and North Peterborough Junction Railway Company, within the time limited for that purpose; And whereas, James Irwin and other provisional directors of the said company have, by their petition, prayed for an extension of the time fixed for the commencement and completion of the said railway; and it is expedient to grant the prayer of the said petition:

Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion of railway extended.

1. The time limited for the commencement of the said railway is hereby extended to one year from the passing of this Act; and the time for the completion thereof to Bobcaygeon is extended to three years from the passing of this Act: Provided always, that nothing in this clause contained shall alter or affect any condition of any by-law passed by any municipality in aid of said railway company.

CAP. XCIV.

An Act to revive and amend the Act incorporating the Presque Isle and Belmont Railway Company.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS by an Act passed in the thirty-second year of Her Majesty's reign, chaptered seventy, incorporating "The Presque Isle and Belmont Railway Company," it is provided by the thirtieth section thereof that the provisions of the said Act shall become null and void unless the construction of the said railway be commenced within two years and completed within five years after the passing of the said Act: And whereas, the said company has represented by its petition that since the passing of the said Act no work has been done towards the commencement and completion of the said road, and praying that the said Act may be revived and amended in so far as to enable the said company to construct, in addition to the already proposed road, a branch line of railway from any point in the line of railway contemplated by the said last mentioned Act, northward through the Free Grant Lands so as to connect with the Pacific Railway, in the Valley of the Ottawa; and also to construct a branch line of railway from any point in the line of railway contemplated by the said Act so as to connect with the proposed line of railway through the County of Prince Edward; and further amended so as the time for the commencement and completion of the said railway may be extended for three and five years respectively from the day of the passing of this Act; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

32 V., c. 70,
revived.

1. The Act passed by the Legislature of Ontario, in the thirty-second year of the reign of Her Majesty Queen Victoria, and

and chaptered seventy, intituled "An Act to incorporate the Presque Isle and Belmont Railway Company," is hereby revived, and declared to be in full force and effect, and the time therein limited for the commencement and completion of the railway hereby authorized to be constructed, from Presque Isle Harbour, thence through, or as near as practicable to the Village of Brighton, the Villages of Norham, Workworth, Meyersburgh and Campbellford, in the County of Northumberland, the Township of Belmont, and the Township of Marmora to some point within the Township of Lake, in the County of Hastings, is hereby respectively extended for the period of three years and five years from the passing of this Act.

Extension of
time for
completion of
railway.

2. It shall be lawful for the said company under the powers and provisions of this Act, and of the said Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered seventy, to construct a branch line of railway from any point on the line of railway contemplated by the last mentioned Act, northward, so as to connect with the Grand Junction Railway, the Cobourg and Marmora Railway, the Ontario and Quebec Railway, and the Pacific Railway, and also to construct a branch line of railway from any point on the line of railway contemplated by the said Act so as to connect with the proposed line of railway through the County of Prince Edward.

Branch lines.

3. It shall be lawful for the said company to lease its railway and works to any other railway with which it may be in connexion upon such terms as may be agreed upon between the said company and such other railway company, and approved of by a vote of the majority of two-thirds of the shareholders of the said Presque Isle and Belmont Railway Company at any general or special meeting duly convened for that purpose according to the by-laws of the company.

Power to lease
railway.

4. It shall and may be lawful for the provisional directors now composing the board of directors of the said road to admit as of their number, with all powers possessed by each and every of them the said directors, John W. Grems, of Brighton, builder; James Nesbit, of the same place, merchant; Alexander McCallum, of the same place, merchant; A. C. Singleton, of the same place, yeoman; and Thomas D. Ledyard, of the City of Toronto, Esquire.

Number of pro-
visional direc-
tors increased.

CAP. XCV.

An Act to authorize the Cobourg, Peterborough and Marmora Railway and Mining Company to extend their line of Railway, and for other purposes.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Cobourg, Peterborough and Marmora Railway and Mining Company have by their petition prayed that they may be authorized to extend their railway; and that further powers and privileges may be granted to them; and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to extend line from the Trent.

1. The Cobourg, Peterborough and Marmora Railway and Mining Company are hereby authorized to extend their line of railway from the Narrows on the River Trent to such point up the said river and on the same or on Rice Lake, or on their railway from Cobourg to Peterborough as the directors may determine.

From the township of Smith.

2. The said company are also hereby authorized to extend their line of railway from some point thereon in the Township of Smith to the Village of Buckhorn.

Time for completion of extensions.

3. Unless the extensions hereby authorized be completed within five years from the passing of this Act the corporate powers of the said company as to the uncompleted portions thereof shall cease.

Provisions of certain Acts made applicable.

4. The several provisions of the various Acts relating to the Cobourg and Peterborough Railway Company and the Cobourg, Peterborough and Marmora Railway and Mining Company are hereby declared to apply so far as applicable to the extensions hereby authorized.

35 V., cap. 56, s. 1, amended.

5. The first section of the Act of the Legislature of the Province of Ontario passed in the thirty-fifth year of Her Majesty's reign, and chaptered fifty-nine, is hereby amended by striking out the words "one," "two" and "three," and by substituting in lieu thereof respectively the words "two," "four" and "six."

Company authorized to lay third rail, or reduce gauge.

6. The said company are hereby authorized by laying down a third rail or otherwise to reduce the gauge of their railway to four feet eight inches and one-half inch.

7. It shall be lawful for any municipality or municipalities ^{Powers to assist by bonuses} who may desire to assist in the construction of the said railway or any part thereof to aid or assist the said company by loaning or guaranteeing or giving money, by way of bonus or other means, to the said company, or issuing municipal bonds to or in aid of the said company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that such aid, loan, bonus or guarantee, shall be given under a by-law for the purpose, to be ^{By-laws therefor.} passed in conformity with the provisions of the Act respecting Municipal Institutions for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents in the dollar, on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt: Provided always, that in no case shall such rate exceed, for all purposes, three cents in the dollar on the actual value of such ratable property.

8. In case the majority of the persons rated on the last assessment roll as freeholders, or fifty persons so rated, who may be qualified voters under the Municipal Act, in any portion of the municipality, other than a county municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated; or in case of a county municipality the majority of the reeves and deputy-reeves of those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law, as hereinafter set out, and in such petition do define the townships for which they are respectively reeves and deputy-reeves and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters voting thereon in the portion of the municipality petitioning as aforesaid in the manner required by the Municipal Act; ^{Aid from municipalities.}

1. For raising the amount so petitioned for by such freeholders or such reeves or deputy-reeves in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery to the company of the debentures issued for the amount of said bonus at the times and on the terms specified in said petition;

2. For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, such interest to be payable yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves, and other officers thereof

thereof are hereby authorized to execute and issue in such cases respectively; and the provisions of the Municipal Institutions Act and of this Act shall apply to any bonus so granted, or by-law so passed by or for a portion of the municipality.

County may issue their debentures instead of those of the township.

9. Any county in which is or are situated a township or townships that have granted, or hereafter may grant, a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor, to hand over to the said company the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Power to receive gifts in aid.

10. The said company may receive either from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses, loans or gifts of money or securities for money.

Power to exempt from taxation or commute.

11. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part, from municipal assessment or taxation; or to fix for a term of years the assessable value of such property; or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem from time to time expedient; and any such by-law shall not be repealed unless in conformity with any condition in such by-law.

Powers to acquire lands at Chemong Lake,

12. The said company are hereby authorized to take without the consent of the proprietor thereof, but subject to the provisions of the Railway Act, so much land at Chemong Lake, not exceeding twenty-five acres, as they may require for the purpose of piling lumber and cordwood thereon, and for station-grounds, sidings and switches, and for the erection thereon of wharves, warehouses and other works and buildings for the use of their railway.

and other lands.

13. The said company are hereby authorized to take without the consent of the proprietors thereof, but subject to the provisions of the Railway Act, any land that may be required by them for the purpose of making the Rice Lake embankment, and for filling, grading and ballasting any portion of their railway, and for ingress and egress to and from any such lands.

Power to acquire, etc., vessels.

14. The said company are hereby authorized to purchase, hold, build and employ all such steam and other vessels, scows, boats

boats and barges as they may require to use in connection with the railway upon any of the waters which flow by the River Trent to Lake Ontario.

15. Hereafter the time for holding the annual general meet-^{Annual meet-}ing of the shareholders of the said company shall be the third ^{ings.} Tuesday in June in each year.

16. Any of the debentures of the said company may at any ^{Debentures} time, at the request of the holder thereof, be converted into ^{may be con-} stock of the said company, upon such terms as the directors of ^{verted into} the said company may determine, when the debentures so ^{stock.} exchanged shall be surrendered to the company and cancelled.

CAP. XCVI.

An Act to amend the Act intituled "An Act to incorporate the Brockville and Westport Railway Company."

[Assented to 29th March, 1873.]

WHEREAS a majority of the provisional directors of the ^{Preamble.} Brockville and Westport Railway Company have petitioned to have the times for the commencement and completion of the railway authorized to be constructed by the Act intituled "An Act to incorporate the Brockville and Westport Railway Company," extended, and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time for the commencement of the said railway as ^{34 V. c. 45, s.} mentioned in the forty-third section of the Act passed in the ^{43, amended.} thirty-fourth year of the reign of her present Majesty, and chaptered forty-five, shall be and the same is hereby extended to three years from the passing of this Act, and the time for the completion of the said railway is hereby extended to six years from the passing of this Act.

CAP. XCVII.

An Act to amend the Act intituled "An Act to incorporate the Fenelon Falls Railway Company," and the Act intituled "An Act to amend an Act intituled 'An Act to incorporate the Fenelon Falls Railway Company.'"

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Lindsay, Fenelon Falls and Ottawa River Railway Company have presented their petition for an Act to amend the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered forty-three, and the Act passed in the thirty-fifth year of the reign of Her said Majesty, and chaptered sixty, by giving them power to build branches to the Town of Whitby and the Village of Oshawa, in the County of Ontario; to alter the name of the company; to permit the appointment of a director to represent the Town of Lindsay; and to increase the amount for which bonds may be issued by the said company; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of company changed.

1. The said company shall hereafter be known and called by the name of "The Victoria Railway Company."

Power to construct branches.

2. It shall have power to construct branches of its railway from any point in its line in the County of Victoria to the Town of Whitby and the Village of Oshawa, in the County of Ontario, and all the clauses in force in the said recited Acts shall apply to such branches in so far as they can.

Director for Town of Lindsay.

3. The said company shall be at liberty to add to their board of directors, a director to represent the Town of Lindsay, who shall be appointed by the council of the Town of Lindsay.

35 Vic., cap. 60, s. 11; amended.

4. Section eleven of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered sixty of the Statutes of Ontario, intituled "An Act to amend an Act intituled 'An Act to incorporate the Fenelon Falls Railway Company,'" is hereby amended by striking out the word "nine" in the second line of the said section, and inserting the word "twelve" in lieu thereof.

Certain townships may grant aid to the company.

5. Notwithstanding anything in the said or any other Acts contained, the Townships of Galway, Cavendish, Snowdon, Glamorgan, Monmouth, Minden, Dysart, Dudley, Harcourt, Stanhope, Guilford, Harburn and Bruton, or any two or more of

of them that may choose to join together for the purpose, may give aid to the said company by way of bonus to an amount which shall not involve the levying of a rate of more than three cents in the dollar; and in estimating such rate any liability of the said townships in respect of any indebtedness or liability contracted by the County of Peterborough for railway purposes shall not be taken into account.

6. The County Council of the County of Peterborough shall, within three weeks after a petition, under the third sub-section of section five of the Act passed in the thirty-fifth year of the reign of Her said Majesty, and chaptered sixty, shall have been left with the warden of the county or the clerk of the said council, submit a by-law to be voted on by the duly qualified voters in such townships as may petition therefor, and forming part of two or more local municipalities; and shall pass the same if it shall have been carried; and shall issue the debentures therein provided, which debentures shall set forth the authority under which the same are issued, and shall have coupons attached to each debenture respectively, for the payment of the interest accruing thereon, half-yearly, until such debenture becomes due and shall be signed by the warden and clerk of the said County of Peterborough, and sealed with the corporate seal thereof; and shall do all other acts and things that may be necessary to give effect to the object of the petitioners.

County council of Peterboro', after being petitioned, to submit a by-law to the voters, and if carried to pass the same and issue debentures.

7. It shall be the duty of the clerk of the said County of Peterborough in the month of August in each and every year to ascertain from the then last revised and equalized assessment rolls the total assessed value of that portion of the county covered by such by-law, and also the amount falling due and that may have been paid but not already levied and collected, on account of the principal and interest of the debt created by such by-law on or before the first day of September in the following year; and shall thereupon apportion between each local municipality or part of municipality covered by such by-law, the amount required to be levied and collected by them respectively, according to their respective assessments as before ascertained; and the said county clerk shall, on or before the first day of September in each year, notify the clerk of each local municipality as is either in whole or in part covered by such by-law, of the amount required to be levied and collected as aforesaid, together with a certified statement of the portion of the municipality of which he is clerk liable to pay the same; and the said clerk upon the receipt of such notice and certificate shall levy the same by an equal special rate on all the ratable property within the bounds named in such certificate, and for that purpose shall place the same in a separate column on the collector's roll for the then current year; and all the laws now in force or hereafter in force for the collection of rates and assessments, and the duties of the several municipal officers in connection therewith, shall apply to those required to be levied and collected

Proceedings for assessing the municipality covered by the by-law.

lected under such by-law; and the treasurer of such local municipality shall pay the same over to the treasurer of the said County of Peterborough without any deductions whatsoever, at the same time and in the same manner, and subject to the penalties as is from time to time provided in the case of county assessments.

Council may
annex certain
conditions to
the by-law.

8. The County Council of the County of Peterborough shall be at liberty to annex a condition to the said by-law, as to the issue of debentures, delivery thereof to the trustees, conversion thereof into money, and the payment of the proceeds thereof to the railway company, providing that the money raised under the said by-law shall be wholly expended upon that part of the said railway which shall be constructed within the limits of the County of Peterborough.

Debentures,
how payable.

9. The debentures to be issued under this Act may be made payable in annual instalments of principal money and interest, which instalments shall be as nearly equal as may be.

CAP. XCVIII.

An Act to confirm and legalize certain By-laws passed by the Corporation of the Village of Renfrew, the Township of Horton, and the Township of Admaston, to subscribe for capital stock in the Canada Central Railway Company.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the corporation of the Village of Renfrew have passed a by-law to authorize the issue of debentures to enable the said corporation to subscribe for thirty thousand dollars in the capital stock of the Canada Central Railway Company; and the corporation of the Township of Horton have passed a by-law to authorize the issue of debentures to enable the said corporation to subscribe for seven thousand five hundred dollars in the capital stock of the said company; and the corporation of the Township of Admaston have passed a by-law to authorize the issue of debentures to enable the said corporation to subscribe for five thousand dollars in the capital stock of the said company; And whereas, the said Village of Renfrew, for the purpose of paying interest and providing a sinking fund for the payment of the debentures issued under the said by-law passed by the said Village of Renfrew, and for the purpose of raising a sufficient sum in each year to pay all valid debts, whether of principal or interest, falling due within the year, will have to assess and levy in each year

year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; And whereas, the County of Renfrew, within which the said corporations of the Village of Renfrew, Township of Horton, and Township of Admaston are situate, was at the time of passing said by-laws indebted to the Consolidated Municipal Loan Fund; And whereas, the validity of said by-laws is questioned for want of power in said municipalities to grant such aid as aforesaid to the said Canada Central Railway Company; And whereas, such objections to the legality of one or more of said by-laws will tend to depreciate the value of the debentures issued under and by virtue thereof; And whereas, the said Railway Company have by their petition prayed that the said by-laws should be legalized:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-law numbered one hundred and forty-six, passed by the corporation of the Village of Renfrew, and intituled, "By-law to authorize the issue of debentures to enable the corporation of the Village of Renfrew, in the County of Renfrew, to subscribe for thirty thousand dollars in the capital stock of the Canada Central Railway Company, and to repeal by-law number one hundred and twenty-five of the said corporation of the Village of Renfrew," which was finally passed on the twenth-sixth day of August, in the year of our Lord one thousand eight hundred and seventy-one; by-law numbered two, passed by the corporation of the Township of Horton, and intituled "A by-law to authorize the issue of debentures to enable the corporation of the Township of Horton to subscribe for seven thousand five hundred dollars in the capital stock of the Canada Central Railway Company;" and by-law numbered four, passed by the corporation of the Township of Admaston, and intituled "A by-law to authorize the issue of debentures to enable the corporation of the Township of Admaston to subscribe for five thousand dollars in the capital stock of the Canada Central Railway," and all debentures issued or that may hereafter be issued under either of said by-laws be, and the same are declared legal, binding and valid upon the said respective corporations of the Village of Renfrew, the Township of Horton and the Township of Admaston, and all others whatsoever, any law or statute to the contrary notwithstanding: Provided always, that nothing in this Act contained shall in anywise affect the claim of the late Province of Canada or of the Province of Ontario, in respect to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and Acts amending the same.

By-law No. 146 of Village of Renfrew,

By-law No. 2 of township of Horton,

By-law No. 4 of township of Admaston,

and debentures issued there-under legalized.

Proviso.

2. It shall be lawful for the corporation of the Village of Renfrew to assess and levy, on the whole ratable property within its jurisdiction, a sufficient sum in each year to cover the

Assessment of village of Renfrew.

the ordinary purposes of said corporation, and to pay all valid debts of the corporation, whether of principal or interest, including principal and interest upon debentures issued under said by-law, number one hundred and forty-six, falling due within one year, notwithstanding it may require to assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value exclusive of school rates.

CAP. XCIX.

An Act to incorporate "The London Street Railway Company."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS certain persons have by their petition prayed that they may be incorporated under the title of "The London Street Railway Company," for the purpose of constructing and operating street railways in the City of London, and the municipalities adjoining; And whereas, it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Verschoyle Cronyn, the Honourable John Carling, James Henry Flock, John Walker, and Murray Anderson, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The London Street Railway Company."

Corporate name.

Capital.

2. The capital stock of the company shall be forty thousand dollars, in shares of twenty dollars each.

Commencement of operations.

3. The company may begin to exercise the powers hereby granted so soon as ten thousand dollars of the capital stock shall be subscribed, and twenty per centum thereon paid up; but the company shall commence the construction of the said railway within two years from the passing of this Act.

Powers of the company.

4. The company are hereby authorized and empowered to construct, maintain, complete and operate a double or single iron railway with the necessary side tracks, switches, and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along such of the public streets and highways within the jurisdiction of the corporation of the City of London, and of any of the adjoining municipalities as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the council of the

the said city and of said municipalities respectively and the said company, and under and subject to any by-law of the said corporations respectively, and to take, transport, and carry passengers and freight upon the same, by the force or power of animals or such other power as the said respective corporations may by by-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings, and conveniences therewith connected. The company may substitute sleighs for railway carriages during the winter months on the route of their railway: Provided always, that the said company shall not exercise any of the powers hereby conferred upon them in over or upon any part of the road or any culvert, bridge, or other work of or constructed by the London Proof Line Road Company, whether within the City or the Township of London, while the said Proof Line Road Company shall have control of their said road without first making to the said last mentioned company compensation, such compensation, in default of agreement between the said companies, to be determined by arbitration.

5. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways; and all other ordinary vehicles shall be permitted to use and travel in the said tracks, provided they do not interfere with, or impede the running of the cars of the company; and in all cases any carriage or vehicle on the track shall immediately give place to the cars, carriages, or other conveyances of the company, by running off the track.

Manner of laying the rails.
Gauge of railway.
Right of railway to road.

6. The affairs of the company shall be under the control of, and shall be managed and conducted by a board to consist of five directors, each of whom shall be a stockholder to an amount of not less than one thousand dollars, and shall not be in arrear on his stock; and such directors shall be elected on the second Wednesday of January in every year, at the office of the company; and all such elections shall be by ballot, by plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy; and the directors so chosen shall as soon as may be, elect one of their number to be president; and three directors shall constitute a quorum for the transaction of business; and the directors shall continue in office one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of president or director, the remaining directors shall, with as little delay as possible, fill up such vacancy for the remainder of the year.

Election of directors, &c.
Quorum.
Vacancies.

7. Verschoyle Cronyn, the Honourable John Carling, James Henry Flock, John Walker, and Murray Anderson shall be the first directors of the company, and shall severally hold their offices

First directors.

offices until the second Wednesday in the month of January next after the commencement of the work of construction of said railway.

Powers of
directors.

8. The directors of the company shall have power to make by-laws for the management of the company; the meetings of directors; the acquirement, management, and disposition of its stock, property, and effects, and of its affairs and business; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates; the calling of special and general meetings of the company; the appointment, removal, remuneration, and duties of all officers, agents, clerks, workmen, and servants of the company; the fares to be received for passengers and freight transported over the railway or any part thereof; the intervals of time in running each car; the time within which on each day the cars shall be run; the speed of running the same; and in general to do all that may be necessary to carry out the objects, and exercise the powers incident to the company, subject to the terms and stipulations contained in any agreement between the company and any of the municipalities aforesaid: Provided always, that the fares to be taken by the company shall not exceed six cents for each passenger for any distance for three miles and under, and one cent per mile for all distances over three miles, the fraction of a mile being considered as one mile.

Stock to be
personalty.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Powers as to
real estate.

10. The company may purchase, lease, hold, acquire, and transfer all real and personal estate necessary for carrying on the operations of the company.

Non-election
of directors
not to dissolve
Company.

11. If the election of the directors be not made on the day appointed by this Act, the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed by the directors for that purpose, and all the acts of directors until their successors shall be elected shall be valid and binding on the company.

Company may
borrow money.

12. The directors of the company may from time to time borrow or raise for the purposes of the company, any sum or sums of money not exceeding in the whole forty thousand dollars, by the issue of bonds or debentures in sums of not less than one hundred dollars each, on such terms as they may think proper, and may pledge or mortgage all the property, and the tolls and income of the property or any part thereof, for the repayment of the money so raised or borrowed, and the payment of the interest thereon: Provided always, that the consent of at least two-thirds in value of the stockholders of the

Proviso.

company

company shall be first had and obtained at a special meeting to be called and held for that purpose: Provided also, that the said company shall not be authorised at any time to borrow a sum exceeding the amount of the capital stock then paid up. Proviso.

13. The council of the said city, and of any of the said adjoining municipalities, or any of them, and the said company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said railway: for the paving, macadamizing, repairing, and grading of the streets or highways; and the construction, opening of, and repairing of drains or sewers; and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same; and the time for completion, and generally for the safety and convenience of the passengers; the conduct of the agents and servants of the company; and the non-obstructing or impeding of the ordinary traffic. City and adjoining municipality may make agreements regarding construction of railways, &c.

14. The said city and the said municipalities are hereby respectively authorised to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations, for the conduct of all parties concerned, including the company, and for the enforcing obedience thereto, and for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass. By-laws regarding roads.

15. The fare shall be due and payable by every passenger on entering the car or sleigh; and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine not exceeding five dollars, recoverable before any Justice of the Peace. Fares.

16. The several clauses of the Act of the Legislature of the late Province of Canada, known as "The Railway Act," with respect to the first and third clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," except section eighty-four of the said Act (but no other clauses of the Railway Act), shall, in so far only as the same are not inconsistent with or repugnant to any of the provisions of this Act, be incorporated with this Act; and the expression "this Act," when used herein, shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

are inconsistent with or varied by any of the provisions of this Act.

CAP. C.

An Act to incorporate "The Hamilton Street Railway Company."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS William McGiverin, James G. Davis, William P. Moore, M. C. Laven, W. Ambrose, W. H. Glassco, C. M. Counsell, John T. Glassco, William Edgar, Daniel Kelly, and others, have by their petition prayed for an Act of incorporation, under the name of "The Hamilton Street Railway Company," for the purpose of constructing and operating a street railway in the City of Hamilton, and adjoining municipalities; And whereas, it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said William McGiverin, James G. Davis, William P. Moore, M. C. Laven, W. Ambrose, W. H. Glassco, C. M. Counsell, John T. Glassco, William Edgar, Daniel Kelly, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of "The Hamilton Street Railway Company."

Corporate name.

Capital.

2. The capital of the company shall be fifty thousand dollars, in shares of fifty dollars each; but the capital stock may be increased by the shareholders as hereinafter provided.

Provisional directors.

3. James Turner, J. N. Tarbox, Edward Gurney, Lewis Springer, Warren Holton, James G. Davis, William McGiverin, and John W. Murton shall be provisional directors of said company, to obtain subscriptions for stock, and organize said company, and shall hold office until the election of directors, as hereafter provided for.

Election of directors.

4. So soon as twenty thousand dollars of the capital stock has been subscribed, and twenty per centum thereon paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof, by advertisement in some newspaper published in the City of Hamilton.

Directors' qualifications.

5. The board of directors shall consist of seven directors, as shall be determined at the meeting to be as provided for in the

the preceding section, each of whom shall be a shareholder of not less than five hundred dollars; such election, and every question to be decided at such meeting, shall be by ballot, by a plurality of votes of the stockholders present in person, or represented by written proxy, each share to have one vote: the directors so chosen shall immediately elect one of their own number to be president, and another to be vice-president, which President. president, vice-president, and directors shall continue in office for one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time happen by death, resignation, or otherwise, during said year, in the office of president, vice-president, or directors, the remainder of such directors Vacancies. shall supply such vacancy for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other days as may be fixed by by-law, as hereinafter mentioned.

6. So soon as stock to the amount aforesaid shall have been subscribed, and twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations, and exercise the powers hereby granted; but the company shall commence operations within two years from the passing of this Act. Commence-
ment of opera-
tions.

7. The company are hereby authorized and empowered to construct, maintain, complete, and operate a double or single iron railway, with the necessary side tracks and turnouts, for the passage of cars, carriages, and other vehicles adapted to the same, upon and along streets and highways within the jurisdiction of the Corporation of the City of Hamilton, and of any of the adjoining municipalities, as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the council of the said City and of said municipalities respectively, and the said company, and under and subject to any by-laws of the said corporation of the said city and municipalities respectively, or any of them, made in pursuance thereof, and to take, transport, and carry passengers and freight upon the same, by the force or power of animals or such other motive power as they may be authorized by the council of said city and municipalities respectively by by-law to use, and to construct and maintain all necessary works, buildings, appliances, and conveniences connected therewith. Powers as to
construction
of railway.

8. The directors shall have full power to make all by-laws for the management of the company; the acquirement, management, and disposition of its stock, property, and effects, and of its affairs and business; the making and collection of calls on its stocks, and forfeiture thereof for non-payment; the entering into arrangements and contracts with the said city or municipalities; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates, and the transfer of shares; the calling of special and general Powers of
directors.

general meetings of the company; the appointment, removal, and remuneration of all officers, agents, clerks, workmen, and servants of the company; the fares to be received from persons transported over the railway, or any part thereof; and, in general, to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the company: Provided always, that the fares to be taken by the company shall not exceed for each passenger six cents for any distance for three miles and under, and one cent per mile in addition for all distances over three miles.

Stock to be
personalty.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Company may
hold real
estate.

10. The company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the company.

Failure of
election not to
dissolve the
company, &c.

11. If the election of directors be not made on the day appointed by this Act, the company shall not, for that reason, be dissolved; but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose; and all acts of directors, until their successors are elected, shall be valid, and binding upon the company.

Company may
use sleighs.

12. The company may substitute sleighs for railway carriages, during the winter months, upon the route of their railway.

Penalty for
refusing to pay
fare.

13. The fare shall be due and payable by every passenger on entering the car or sleigh; and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine not less than five dollars, recoverable before any Justice of the Peace.

Company may
borrow
\$100,000.

14. The directors of the company may, from time to time, increase the capital of the said company for such amount or amounts as occasion may require, and also raise or borrow, for the purposes of the company, any sum or sums not exceeding in the whole at any time the actual amount of capital stock *bona fide* subscribed and paid up by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided always, that the consent of three-fourths in value of the stockholders of the company present, or represented by proxy at said meeting, shall be first had and obtained, at a special meeting to be called and held for either or both of the purposes aforesaid.

Proviso.

15. The council of the said city, and of any of the said adjoining municipalities, or any of them, and the said company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said railway; for the paving, macadamizing, repairing, and grading of the streets or highways; and the construction, opening of, and repairing of drains or sewers; and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of rail; the time and speed of running of the cars, the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion; and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company; and the non-obstructing or impeding of the ordinary traffic.

City and adjoining municipality may make agreements regarding construction of railways, &c.

16. The said city, and the said municipalities, are hereby authorized to pass any by-law or by-laws, and to amend, repeal, or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules, and regulations for the conduct of all parties concerned, including the company, and for the enjoining obedience thereto, and also for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

City and municipalities may pass by-laws for giving effect to any such agreement.

CAP. CI.

An Act to remove certain doubts as to the powers of the Proprietors of The Toronto Street Railway, and to incorporate them and others under the name of "The Toronto Street Railway Company," and for other purposes.

[Assented to 29th March, 1873.]

WHEREAS William Thomas Kiely and George Washington Kiely, the present proprietors of The Toronto Street Railway, have by their petition prayed that certain doubts as to their powers, to issue bonds or debentures upon their said railway may be removed; and that they and others may for such and other purposes be incorporated, under the style of "The Toronto Street Railway Company;" And whereas, it is expedient to grant the prayer of the said petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. The said petitioners, William Thomas Kiely and George Washington Kiely, and such other persons as shall become shareholders in the company, are hereby constituted a body corporate and politic, by the name of "The Toronto Street Railway Company."

Capital. 2. The capital stock of the said company shall be two hundred thousand dollars, in shares of one hundred dollars each; and such stock shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Power to issue bonds. 3. The directors of the said company may from time to time issue bonds or debentures in sums of not less than one hundred dollars each, at such rate of interest, and redeemable at such times and places as they may determine; and such bonds or debentures may be made payable to the bearer or bearers of the same or otherwise, but the whole amount of such bonds or debentures shall not exceed the sum of one hundred thousand dollars; and may pledge or mortgage the said railway and all the property, tolls or income of the company or any part thereof; and may sell, pledge, or hypothecate the said bonds and debentures, or any part of the same: Provided always, that the consent of three-fourths in value of the shareholders of the company shall be first had and obtained at a special meeting to be called for that purpose; and the bonds or debentures so issued shall without registration or formal mortgage or conveyance be taken and considered to be a charge upon the said railway, its rolling stock, equipments, and motive power thereunto belonging, and upon the lands, tolls, revenues and other property of the company, for the due payment of the amounts payable by virtue thereof, and the interest thereon; and each holder of any such bond or debenture shall be deemed to be a mortgagee of the said railway, appurtenances, lands, tolls, revenues, and other property *pro rata* with the other holders of such bonds or debentures: Provided always, that nothing in this Act contained shall be held or construed to prejudicially affect the rights or priorities of any existing mortgagees of, or encumbrancers upon the said railway, or any of them, and any lien or encumbrance which may be created under this Act shall be subject to such existing mortgages.

Proviso.

Proviso.

First directors. 4. The said William Thomas Kiely, the said George Washington Kiely and Maurice Kiely, senior, shall be the first directors of the said company, and the said William Thomas Kiely the first president thereof, who shall severally hold office till the first day of October next after the passing of this Act.

Commencement of operations. 5. The said company may commence operations, and exercise the powers hereby granted, immediately after the passing of this Act.

6. The said company shall, subject to the claims of existing mortgages, and subject to the proviso hereinafter contained, have, possess and enjoy the said railway and all the property of every nature or kind in anywise appertaining to the said railway, now possessed or enjoyed by the said proprietors thereof; and shall have, possess and enjoy all the rights, powers, privileges, benefits and franchises of every nature or kind that are now possessed or enjoyed by the said proprietors, or were possessed or acquired by the purchaser who purchased the same under the authority of, and pursuant to the provisions of an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-second year of the reign of Her Majesty Queen Victoria, chaptered eighty-one, and intituled "An Act for the relief of the Toronto Street Railway Company, and to provide for the sale of the said railway, and for other purposes," and shall be subject to all the obligations imposed by the said Act, and also by an Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of the reign of Her Majesty Queen Victoria, chaptered eighty-three, and intituled "An Act to incorporate the Toronto Street Railway Company," and shall be subject also to any valid and subsisting agreements, covenants, and by-laws made and enacted by and between the Corporation of the City of Toronto and the said former company, or any of the proprietors under any of the aforesaid Acts: Provided always, and it is hereby further enacted, that nothing in this Act contained shall be held or construed to affect in any manner the rights or liabilities, obligations, duties, conditions and penalties to which the present proprietors of the said road, or the former Toronto Street Railway Company, or the company hereby incorporated, were or are subject by any agreement, by-law, or the said Acts of Parliament heretofore made, passed and enacted in respect thereof, or of any of the parties to a certain suit now depending in Her Majesty's Court of Chancery for the Province of Ontario, wherein Her Majesty's Attorney-General for the said Province, upon the relation of John Fannon Lash and others, is informant, and the said proprietors of the said railway and others, are defendants; and that notwithstanding anything herein contained, the said suit may be proceeded with and conducted to a final end and determination in the same manner as if this Act had not been passed, and that the said suit shall not abate by reason of the passing of this Act, but the said company hereby incorporated shall be made parties thereto, and the said suit stand immediately thereupon in the same plight and condition as it is in at present.

Powers of
company.

Proviso.

Pending suit
in Court of
Chancery, not
affected by
this Act.

7. Sections one, two, three and eight, of the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of the reign of Her said Majesty, and chaptered eighty-three, are hereby repealed; and each and every other section of the said Act of the late Province of Canada shall apply to the company incorporated by this Act; and the company hereby incorporated shall have, possess and enjoy all

24 V., c. 83,
ss. 1, 2, 3 & 8
repealed.

the

the rights, benefits and privileges by said other sections conferred on the company thereby incorporated.

CAP. CII.

An Act for the construction of Water-Works for the City of London.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the construction of water-works and a supply of water would conduce to the comfort of the inhabitants of the City of London, and afford means for the better protection from fire of property therein; And whereas, the corporation of the City of London have, by petition, asked to be authorized to construct, have, and manage, as to them may seem meet, certain water-works for said city; and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation of London may construct, &c., Water-works.

1. The corporation of the City of London, by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water-works, and all buildings, matters, machinery, and appliances therewith connected or necessary thereto, in the City of London and parts adjacent, as hereinafter provided.

Incorporation.

2. The commissioners and their successors shall be a body corporate, under the name of "The Water Commissioners for the City of London," and shall be composed of three members, of whom the mayor of the City of London for the time being shall be *ex officio* one, and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Duties of Commissioners.

3. It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supplying the said City of London with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Power to appoint Engineers, &c.

4. The commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands, buildings, waters, and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

5. It shall and may be lawful for the said commissioners, ^{Entry on} their agents, servants, and workmen, from time to time, and at ^{lands.} such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the City of London, or within fifteen miles of the said city, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water-works; and also to divert and ^{Appropriate} appropriate any river, pond of water, spring or stream of water ^{streams.} therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriations shall cause to them, or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the County of Middlesex shall, on application by either party, appoint such third arbitrator: in case any such owner or occupier shall be ^{Lands of} an infant, married woman, or insane, or absent from this Pro- ^{infants.} vince, or shall refuse to appoint an arbitrator on his behalf, or in case such land or water privileges may be mortgaged or pledged to any person or persons, the judge of the county court of the County of Middlesex, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to ^{Award.} be appointed, as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be ^{Meetings of} and they are hereby required to attend at some convenient place ^{arbitrators.} at or in the vicinity of the said city, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and also the costs attending said reference and award; and each ^{Oath of arbit-} arbitrator shall be sworn before some one of Her Majesty's justices ^{rators.} of the peace in and for the said County of Middlesex, or alderman of the said city, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace or alderman before whom the said arbit-
trators

Setting aside
award.

trators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned subject as aforesaid.

Lands appro-
priated,
vested in the
city.

Construction
of works, lay-
ing pipes, etc.

6. The lands, privileges and water which shall be ascertained, set out, or appropriated by the said commissioners, for the purposes thereof as aforesaid, shall thereupon and for ever thereafter be vested in the corporation of the City of London and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect, and maintain in and upon the said lands all such reservoirs, water-works, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works, and the springs, streams, rivers or ponds, or water from which the same are procured and the said City of London, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways, railways, and roads within fifteen miles of the City of London, and in, through, over, and under the public ways, streets, lanes, railways, or other passages within the said City of London, and in, upon, through, over and under the lands, grounds, and premises of any person or persons, bodies corporate, politic, or collegiate, or any lands of the Crown, and to set out, ascertain, use, and occupy such part or parts thereof as they, the said commissioners or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the City of London, or for the uses of the corporation of the said city, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to sink and lay

lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the City of London.

Works vested
in the city.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes, and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents, or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Middlesex for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her or them.

Injury, etc., to
works.

Penalty.

8. All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contract shall be exempt from execution.

Materials for
work
exempted from
execution.

9. The said commissioners shall be, and they are hereby required to keep or cause to be kept regular books of account, and books for recording the whole of their official proceedings; and the commissioners, and the clerks employed in their service, shall be sworn before a justice of the peace to the faithful performance

Books and
accounts to be
kept by com-
missioners.

Annual report.

ance of their duties ; and all such books shall be open to the examination of any alderman of the City of London, or of any person or persons appointed for that purpose by the corporation of the City of London; and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the City of London of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Returns to the City.

10. The commissioners and their successors shall, from time to time in each year, deliver to the council of said corporation such other statement of the affairs of the said water-works as the said corporation may consider necessary, and which will afford to the citizens of London a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the City of London, and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course.

Accounts to be audited by city auditors.

Regulations for use of water.

11. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required; and, from time to time, shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used; all which they may change at their discretion: Provided always, that all hydrants, conduits or other appliances which the corporation of the City of London may require under this Act for the purpose of extinguishment of fires shall be placed as the corporation of the City of London shall direct, and shall be under their exclusive control and direction when erected.

Location of fire hydrants.

Water rates.

12. The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate or rent which any owner or occupant of any house, tenement, lot or part of a lot or both, in, through or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant or conferred upon him or her or their property by the water-works and the locality in which the same is situated, and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant shall be, and continue a lien or charge, unless paid upon such real estate in the same way and manner as other taxes assessed on real estate in the said City of London are liens; and the water commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings.

Water rates lien on property.

13. All water rents and water rates, when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the treasurer of the City of London.

Rates to be paid to city chamberlain.

14. The commissioners shall have power, from time to time, to make and enforce all necessary by-laws, rules and regulations for the general maintenance, or the management and conduct of the said water-works, officers and others employed by them, not inconsistent with this Act; and for the collection of the said water rent and water rate, and for fixing the time and times, (which shall be quarterly) when and the places where the same shall be payable; also for allowing a discount for prepayment, and in case of default in payment, to enforce payment by shutting off the water or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant or of any goods and chattels in his or her possession, wherever the same may be found within the City of London or County of Middlesex, or of any goods and chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of city taxes; and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises.

By-laws, etc., regarding water rates.

Enforcing payment of rates

15. The commissioners may prosecute or defend any actions or process at law or in equity by the name of "The Water Commissioners of the City of London" against any person or persons for money due for the use of the water, for the breach of any contract express or implied touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Commissioners may prosecute or defend actions under their name of office.

16. The commissioners by by-law shall have power with the consent of the corporation of the City of London to employ the city collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require,

Power to employ city collectors and others.

quire, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the City of London may by law possess and enjoy.

Protection of
officers in
exercise of
office.

17. The commissioners and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties, as justices of the peace now have under the laws of this Province.

Penalty for
drawing off
water.

18. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works purposes the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night, such pipe or main shall so remain, which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Fouling the
water.

19. If any person shall bathe or wash or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain from which the water of the said water-works is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one-half to be applied for water-works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for water-works purposes, and each justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

Penalty.

Penalty for
wrongfully
using water.

20. It shall and may be lawful for the commissioners, and they are hereby authorised and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water-works purposes, or imprisonment not exceeding one calendar month, the amount

amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment with or without hard labour being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof, any person being occupant, tenant or inmate of any house supplied with water from the said water-works, from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement of parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the city a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

21. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

Service pipes
may be laid
across vacant
land.

22. The service pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the commissioners, shall be under their control; and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of premises.

Service pipes,
etc., to be under
control of
commission-
ers.

Stopcocks.

23. All parties supplied with water by the commissioners may be required to place only such taps for the drawing and shutting off the water as may be approved of by the commissioners.

Taps.

24. Neither the water commissioners nor the corporation of the City of London shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Breaking of
service pipes.

Officers may
inspect build-
ings.

25. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Obstructing
hydrants, etc.

26. If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said city, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber, by placing on it any building material, rubbish, or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence a sum not exceeding twenty dollars for water-works purposes, or in default of payment be imprisoned in the gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night said obstruction shall continue shall be considered a separate offence.

Penalty.

Quorum of
commissioners.

27. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

Extension of
water pipes to
city suburbs.

28. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs or partially built portions of the city, by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties under the directions of the commissioners and subject to their approval, or the commissioners may lay the pipes charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Supplying
water to others
than residents
of London.

29. The water commissioners shall have power and authority to supply any corporation, person or persons with water although not being resident within the City of London; and may exercise all other powers necessary to the carrying out of their agreements with such corporation or persons, as well within the Townships of London and Westminster as within the City of London; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided, that no power shall be exercised under this clause without the consent and approbation of the corporation of the City of London.

Exemption of
works from
taxation.

30. The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining
or

or belonging to the water-works shall be exempt from taxation.

31. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Limitations of time for commencement of actions.

32. The watchman and other officers of the water commissioners, when in the discharge of their duty, shall be *ex officio* possessed of all the powers and authorities of officers of the peace.

Powers of officers of the commissioners.

33. For the purpose of acquiring the necessary lands, rights, and privileges, and constructing the said water-works and paying the interest on the said debentures during the progress of the works and expenses attendant thereon, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the corporation of the City of London shall have power to issue debentures of the said corporation of the City of London to be called water-works debentures for a sum of money not exceeding four hundred thousand dollars of lawful money of Canada in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to the said corporation seem expedient, which debentures shall become payable in manner and at the times following, that is to say, within a period of thirty years from the date of the respective issues thereof, and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half yearly, and shall have coupons attached for the payment of the said half yearly interest, and such debentures shall be signed by the mayor and treasurer of said city for the time being, and may be made payable either in sterling or currency in this Province, Great Britain or elsewhere as to the council of the corporation of the City of London shall seem expedient; and the corporation of the City of London and their successors shall for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of said works or at the expiration of three years from the date of the first issue of such debentures, such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay the said principal and interest on such debentures; and it shall not be necessary to submit any by-law for the issue of the said debentures to the approval of the ratepayers or electors of the City of London; but the said debentures to be issued hereunder shall be valid and effectual, and binding to all intents and purposes on the corporation of the City of London, notwithstanding any

Issue of debentures.

Interest.

Sinking fund.

of the provisions of the Municipal Institutions Act in that behalf have not been complied with.

Municipal
Loan Fund in-
debtedness not
affected by this
Act.

34. Nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, in respect to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and Acts amending the same.

Deposits and
application of
proceeds of
debentures.

35. Such debentures when issued shall be deposited in some of the chartered banks having an office at the City of London; and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said city, and the same shall only be paid out on the cheque of the mayor and treasurer for the time being of the City of London, and the chairman for the time being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water-works: Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others in debentures either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the corporation of the City of London thereto, nor from selling or negotiating the same as to them may seem most expedient and advantageous to the interests of the City of London.

Proviso,

Holders of de-
bentures to
have a lien
upon the
works.

36. The said water-works to be erected and constructed under this Act and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for therepayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water-works and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

Application of
revenue.

37. After the construction of the works all the revenues arising from or out of the supplying of water or from the real or personal property connected with the said water-works to be acquired by the said corporation under this Act shall, after providing for the expenses attendant upon the maintenance of the said water-works, be paid over to, and deposited monthly with the treasurer of the said corporation of the City of London

as

as hereinbefore provided, and shall make part of the general funds of the corporation and may be applied accordingly.

38. The corporation of the City of London may dispose of any real or personal property acquired by them for water-works purposes, when no longer required, and until sold, demise and lease the same. Property not required may be disposed of.

39. This Act shall not have any force or effect until the council of the corporation of the City of London shall pass a by-law authorising the construction of the said water-works, but no by-law shall be passed: Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for one month, and a copy of the proposed by-law at length as the same may be ultimately passed in council (except the date thereof) has been published for one month in some newspaper in the City of London; nor, secondly, until a poll has been held in the same manner and at the same places and continued for the same time as at elections for aldermen, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor, thirdly, unless the by-law is thereafter passed at some meeting of the council of the corporation of the City of London, held not less than ten days after taking the said vote nor more than one calendar month, and at some meeting of said council. By-law for construction to be submitted to electors, etc.

40. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. Rejecting by-law.

41. (1) The by-law shall recite (1) the title of this Act, (2) the amount of the estimated expenditure for water-works, (3) the amount of debt which it is intended to create by the construction of said water-works which shall not exceed the amount of debentures authorized to be issued by this Act; Recitals in by-law.

(2) The council of the City of London shall name the returning officers and poll clerks to take the votes; Returning Officers.

(3) The electors entitled to vote shall be such ratepayers only as are voters on the last revised assessment roll of the City of London for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than ten years or for life, and in the lease for which leasehold the lessee covenants to pay all city taxes, and the clerk shall furnish the returning officers with a verified list of the electors; Qualification of electors.

(4) Any ratepayer offering to vote on any such by-law, may be required by the returning officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation before his vote is recorded: Elector may be required to take an oath.

"I, A. B., do solemnly and sincerely make oath (or affirm, as Oath.
the

the case may be,) that I am the person named or purporting to be named in the list of electors ; that I am a freeholder or leaseholder, (*as the case may be,*) that my lease extends for the period of ten years from the time of making this oath or affirmation, (*or for life,*) that I am bound in such lease to pay all city taxes, and that I am according to law entitled to vote on the said by-law ; ”

Elector may vote in each ward where qualified.

Return of returning officer.

City clerk to add up votes.

Irregularities in by-law or debentures not to invalidate them.

Number of commissioners.

Their remuneration.

Term of office.

Election of commissioners.

(5) An elector may vote in each ward of the city in which he shall have the necessary qualification ;

(6) Every returning officer shall, on the day after the closing of the poll, return his poll book verified to the clerk of the City of London ; and in case of the loss or destruction of the poll book deliver a statement under oath of the number of votes for and against said by-law at the time of the loss or destruction of the poll book ;

(7) The city clerk shall add up the number of votes for and against the same and certify to the council whether the majority have affirmed or disapproved of the by-law.

42. No irregularity in the passing of the said by-law or in the form of the said debentures authorized by this Act in the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them or any part thereof.

43. There shall be three commissioners, of whom the mayor of the City of London, for the time being, shall be *ex officio* one, and two of whom shall be elected by the ratepayers of the said city, qualified by municipal law to vote for aldermen, in manner and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the council of the corporation of the City of London may by by-law, before their election, determine.

44. The said water commissioners shall hold office for the term of one year, except the commissioners first elected, who shall hold office until the first Monday of January next following their election ; and after the said first election the commissioners shall be elected to the said office at the same time and in the same manner as aldermen ; and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to aldermen shall apply in all particulars not inconsistent with this Act to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise.

45. Whenever the by-law authorizing the construction of the said water-works shall have been finally passed by the council a meeting of the electors of the said city shall take place, for the nomination of two persons for the office of water commissioners, at such place as the council shall by by-law appoint ; and

and the proceedings at such meeting shall be similar as in the case of the nomination for aldermen; but in case it become necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the city at the place, or near thereto, where the then last municipal election was held, and in all particulars the election shall be conducted in the same manner as an election for aldermen.

46. A water commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of an alderman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the council of the corporation of London shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled.

Vacancy.
Council to ap-
point.

47. The said works shall be constructed, completed and finished within three years from the passing of said by-law authorizing the construction of said water-works.

Time for com-
pletion
of works.

48. All work under the commissioners shall be performed by contract.

Work to be
done by con-
tract.

49. No commissioner or alderman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no alderman shall be eligible for election or appointment as a water commissioner, and no water commissioner as alderman.

Qualification
of commission-
ers.

50. The water commissioners shall have the same property qualification as, by municipal law, aldermen are required to have over and above all incumbrances; and shall before taking office and within ten days of their election or appointment make oath to such qualification before some justice of the peace of the City of London or County of Middlesex, and deposit the same with the city clerk of the corporation of the City of London.

Commission-
ers' property
qualifications.
Oath of office.

51. Notwithstanding the provisions of this Act authorizing the construction of the said water-works through the agency of commissioners, the corporation of the City of London in the by-law authorizing the construction of said water-works and referred to in the thirty-ninth section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof, that the said water-works shall be constructed directly by the said corporation of the City of London; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this Act

Water-works
may be con-
structed by
the corpora-
tion.
given

given to, granted or vested in the said commissioners shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

Water-works may be constructed by a company.

52. In case the corporation of the City of London shall not see fit to construct the said water-works by or through the agency of commissioners or directly by the said corporation, the said corporation may in the by-law referred to in the thirty-ninth section of this Act declare it is advisable to have the said water-works constructed either by a corporate water company, or by any other person or persons, and the said corporation may grant aid for the construction in such manner as they may consider expedient.

Proceedings if the city construct the works.

53. In case the corporation of the City of London shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters voting upon any by-law to be submitted for that purpose; and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation for the approval of the qualified voters in the proposed by-law mentioned in the thirty-ninth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

Corporation may confer certain powers on persons constructing the works.

54. The corporation of the City of London shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works and the management thereof when constructed, which by this Act are conferred upon the commissioners or the corporation of the City of London.

CAP. CIII.

An Act to increase the Capital Stock of the City of Kingston Water-Works Company, and to amend the Act of Incorporation of the said Company.

[Assented to 29th March, 1873.]

WHEREAS the City of Kingston Water-Works Company was incorporated by an Act passed by the Parliament of the late Province of Canada in the twelfth year of Her Majesty's reign, and chaptered one hundred and fifty-eight; And whereas the

the said Act of Incorporation was amended by an Act passed in the session of the Parliament of the late Province of Canada, held in the fourteenth and fifteenth years of Her Majesty's reign, and chaptered thirty-seven; And whereas, the said Act of Incorporation was further amended by an Act passed by the Parliament of the late Province of Canada, in the eighteenth year of Her Majesty's reign, and chaptered two hundred and seventeen; And whereas, the said company have by their petition prayed that the capital stock of the company be increased from eighty thousand dollars to one hundred and twenty thousand dollars, and that the said Act of Incorporation may be further amended; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the stockholders of the said company to raise and contribute among themselves, or by the admission of new subscribers, a further sum of forty thousand dollars in addition to the present capital stock of the said company. Increase of stock.

2. The additional sum of forty thousand dollars shall be divided into eight hundred shares of fifty dollars each; and each person subscribing for or taking any share or shares in such additional stock shall have the same rights and be subject to the same rules and liabilities as the original subscribers and shareholders of the said company. Shares.

3. The said additional shares shall and may be subscribed for in such proportions or numbers, and at such times and under such conditions and regulations as the directors of the said company shall from time to time establish, and the shares subscribed for shall be paid in by such instalments and at such times as the said directors shall from time to time appoint; and all the provisions of the thirteenth section of the Act of Incorporation of the said company shall be applicable to all cases in which instalments or shares subscribed for under this Act shall be unpaid. How new stock may be subscribed for and called in, etc.

4. The latter part of section five of the said Act of Incorporation, beginning at the word "Provided," to the end, is hereby repealed, and in lieu thereof it is hereby enacted that in all cases hereafter, anything in the said Act to the contrary notwithstanding, each stockholder or proprietor shall be entitled to one vote for each share held by such stockholder or proprietor. 12 V., c. 153, s. 5, amended. Scale of votes.

5. Section eleven of the said Act of Incorporation is hereby repealed, and the following substituted in lieu thereof: Sec. 11 repealed.

(1.) If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said company, or in any way obtain or use the water without the Penalty for using the water or all be used with-

out the consent of the company.

the consent of the board of directors or their officer appointed to grant such consent, or being occupant or occupants, tenant or tenants, inmate or inmates of any house or other building, yard or premises supplied with water by the said company, shall wilfully permit or allow water to be used or taken away by any other person or persons without such consent as aforesaid, or shall wilfully allow the water supplied by said company to run to waste, he or they shall forfeit and pay to the said company the sum of fifty dollars, and also a further sum of five dollars for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered in civil action in any court of law in the Province having civil jurisdiction to that amount;

(2.) If any person or persons in any way obtain or use the water of the said company without the consent of the board of directors or their officer appointed to grant such consent, or if any person or persons being occupant or occupants, tenant or tenants, inmate or inmates of any house or other building, yard or premises supplied with water by the said company, shall wilfully permit or allow water to be obtained or used or taken away by any other person or persons without such consent as aforesaid, or shall wilfully allow the water supplied by said company to run to waste, such person or persons offending in any of the cases aforesaid shall, on conviction thereof before a justice of the peace, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, and in default of payment thereof shall be imprisoned for any term not exceeding one month; and all such sums recovered as aforesaid shall be paid, one-half to the said company and the other half to the person who shall lay the information; and in case the information shall be laid by any of the directors of the said company, or by their agent in that behalf, then the whole of the said penalty shall be paid to the said company; Provided always, that proceedings shall not be taken under this sub-section in case the party or parties so offending have been proceeded against under the next preceding sub-section.

(3.) It shall and may be lawful for the convicting justice, in default of payment of any such penalty or costs, to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person or persons convicted, and in case no sufficient distress be found to satisfy such conviction, then it shall and may be lawful for such justice to order that the person so convicted be imprisoned in the common gaol of the county for any period not exceeding thirty days, unless the penalty and all costs be sooner paid.

CAP. CIV.

An Act to amend the Act for the construction of
Water-Works for the City of Ottawa.

[Assented to 29th March, 1873.]

WHEREAS the corporation of the City of Ottawa and the water commissioners for the said City have by their petition represented that under the authority of the Statute of this Province passed by the Legislature thereof at its last session, chaptered eighty, and intituled "An Act for the construction of Water-Works for the City of Ottawa," the corporation of the City of Ottawa passed a by-law to authorize the issue, and did thereunder issue debentures of the said the corporation of the City of Ottawa for a sum in sterling money of Great Britain equal in value to five hundred thousand dollars of lawful money of Canada, payable in manner and at the times mentioned in the said Act; that difficulties have been found to exist in the negotiation of the said debentures in consequence of the same being made payable at different periods as provided for by the said Act; and also as to the sinking fund required by the said Act to be raised and set apart to meet the principal of the said debentures at maturity; and that it is desirable that the by-law aforesaid and the debentures thereunder issued should be respectively declared null and void, and that the corporation of the City of Ottawa should have power to issue new debentures to replace the same, with additional powers to the said water commissioners as to the sinking fund and to the payment of interest on the said debentures; and that other amendments to the said Act are necessary and desirable; And whereas, it is represented that the said corporation now controls the whole issue of the said debentures, and that it is necessary to obtain an Act of the Legislature for the purposes aforesaid as hereinafter is contained; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited and known as "The Ottawa Water- Works Amendment Act, 1873." Short title.

2. The words "the corporation" mean the corporation of the City of Ottawa; and the words "water commissioners" mean the "water commissioners for the City of Ottawa." Interpretation of terms.

3. The by-law of the corporation of the City of Ottawa intituled "A by-law to raise by way of loan one hundred and two thousand seven hundred and thirty-nine pounds fourteen shillings" By-law of City of Ottawa passed 30th July, 1872, and the debentures.

tures issued
thereunder
declared void.

lings and six pence sterling, to be applied towards the construction of Water-Works in the City of Ottawa," passed on the thirtieth day of July in the year one thousand eight hundred and seventy-two, under the authority of an Act of the Legislature of this Province, passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act for the construction of Water-Works for the City of Ottawa," together with the debentures or bonds issued under such by-law for a sum in sterling equal to five hundred thousand dollars of lawful money of Canada, are hereby declared to be respectively null and void.

Repeal of 29th
sec. and part of
sec. 30 of 35
Vic. cap. 80.

4. The twenty-ninth section of the Act of the Legislature of this Province, in the preamble to this Act and in the last preceding section mentioned, and so much of the thirtieth section of the said Act as provides that such debentures when issued shall be deposited in some of the chartered banks having an office at Ottawa, and shall be negotiated through some chartered bank, are hereby repealed.

Corporation of
Ottawa may
issue debentures for
£102,720 stg.,
for water-works purposes.

5. For the purpose of enabling the corporation of the City of Ottawa to raise the necessary funds for the construction of the water-works for the City of Ottawa, and for paying the interest on the debentures hereinafter mentioned during the progress, and until completion of the works, and the expenses attendant on or incurred in connection with the same, the corporation of the City of Ottawa may pass a by-law to authorize the issue, and may thereunder issue debentures of the corporation of the City of Ottawa, for a sum of money not exceeding in the whole one hundred and two thousand seven hundred and twenty pounds sterling money of Great Britain, in such sums not less than twenty pounds of sterling money aforesaid, as shall to the said corporation of the City of Ottawa seem expedient; which debentures shall state that they are issued under the authority of this Act, citing the chapter and short title of the same; and they shall be numbered from number one consecutively upwards; and shall bear date on some day, to be named in the by-law authorizing the issue thereof; and shall bear interest thereupon as hereinafter mentioned; and the whole of the said debentures shall be made payable at the end of thirty years from the date thereof, and shall all bear date the same day; and every debenture shall be subject to a condition which shall be expressed on the face thereof to the effect that the same and the principal money thereby secured shall be subject to be paid off at the end of either of the terms of ten, fifteen, twenty, or twenty-five years from the date thereof, if upon the drawing by ballot, as in this Act mentioned, such debentures shall be of the number drawn by ballot to be so paid off at one of the terms of years above mentioned; such debentures shall bear interest at the rate of six per centum per annum, such interest to be payable half-yearly; and such debentures shall be signed by the mayor and chamberlain for the time being of the City of Ottawa, and have the seal of the corporation of the City of Ottawa

Ottawa affixed thereto, and the same shall be made payable at any place in the United Kingdom of Great Britain and Ireland, as to the corporation of the City of Ottawa shall seem expedient; and to each of such debentures shall be attached coupons or warrants for the payment of interest at the rate hereinbefore mentioned, which shall be signed by the city chamberlain; and such debentures shall be negotiated by such person or persons, bodies politic or corporate, as the corporation of the City of Ottawa shall by by-law authorize and appoint to negotiate the same: Provided always, that it shall not be necessary that the said debentures or the coupons or warrants shall be made payable at any chartered bank, or that such debentures or any of them shall be deposited in or negotiated through any chartered bank: Provided also, that the said corporation of the City of Ottawa or any person or persons, bodies politic or corporate, by the said corporation by by-law duly authorized to that effect, shall likewise have power to raise money for the purposes in this section mentioned on the security, pledge and deposit of the said debentures, or any portion of them, pending the negotiation thereof, and may also redeem the same.

6. In respect of the by-law hereinbefore authorized to be passed, it shall not be necessary for the said corporation of the City of Ottawa to order by the said by-law any special or other rate per annum to be settled, imposed or levied in each or any year to pay the principal money and interest on such debentures, nor shall it be necessary to submit the said by-law to the ratepayers for their approval, nor shall it be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province before contracting the said debt, or before or after the passing of the said by-law; and the said by-law and the debentures to be issued thereunder shall be valid and effectual and binding, to all intents and purposes whatsoever, on the corporation of the City of Ottawa, notwithstanding that the provisions of the municipal laws or any Act or Acts in that behalf have not been complied with; and no irregularity in form of the said by-law or of the debentures to be issued under the same shall render the said by-law or the said debentures invalid or illegal, or be allowed as a defence to any action or proceedings brought against the said corporation for the recovery of the amount of the said debentures, or any part thereof, or the principal money thereof, or the interest thereon, or any part thereof.

By-law need not conform to the Municipal Act, or any other Acts.

7. The water commissioners shall after the completion of the works raise annually, from the water rates, and with the authority in the said Act hereinbefore mentioned contained, a sum sufficient to pay the interest semi-annually on the days appointed for the payment thereof upon the principal moneys of the debentures then from time to time outstanding, and shall also raise annually a further sum sufficient to form a sinking fund

Provisions for sinking fund and redemption of debentures at different periods.

fund to meet the payment of twenty thousand pounds sterling, part of the principal sum of one hundred and two thousand seven hundred and twenty pounds sterling, at the end of ten years from the date of the said debentures, as debentures to the amount of such sum of twenty thousand pounds sterling shall by ballot be payable at the end of such ten years; and they shall after the period of ten years annually thereafter raise as aforesaid a sum of money sufficient to pay the interest semi-annually on the days appointed therefor, upon the principal moneys of the debentures then outstanding, and shall also raise annually a sum sufficient to form a sinking fund for the payment of twenty thousand pounds sterling, part of the full amount aforesaid, at the end of fifteen years from the date of such debentures, as debentures to the amount of such last-mentioned sum of twenty thousand pounds sterling shall by ballot be payable at the end of such fifteen years; and they shall after such period of fifteen years annually thereafter raise a sum of money sufficient to pay the interest semi-annually on the days appointed therefor upon the principal moneys of the debentures then outstanding, and shall also raise annually a sum of money sufficient to form a sinking fund for the payment of twenty thousand pounds sterling, part of the full amount aforesaid, at the end of twenty years from the date of such debentures, as debentures to the amount of such mentioned sum of twenty thousand pounds sterling shall by ballot be payable at the end of such twenty years; and they shall after such period of twenty years, annually thereafter raise a sum of money sufficient to pay the interest semi-annually on the days appointed therefor, upon the principal moneys of the debentures then outstanding, and shall also raise annually a sum of money sufficient to form a sinking fund for the payment of twenty thousand pounds sterling, part of the full amount aforesaid, at the end of twenty-five years from the date of such debentures, as debentures to the amount of such last-mentioned sum of twenty thousand pounds sterling, shall by ballot be payable at the end of such twenty-five years; and they shall after such period of twenty-five years annually thereafter raise a sum sufficient to pay the interest semi-annually on the days appointed therefor upon the principal moneys of the debentures then outstanding, and shall also raise annually a sum of money sufficient to form a sinking fund for the payment of twenty thousand seven hundred and twenty pounds sterling, the balance of the full amount at the end of thirty years from the date of such debentures, upon which said last mentioned day payment of the debentures then outstanding will become due and payable; and the corporation shall pay the interest as the same shall from time to time fall due upon the debentures then outstanding, and shall also pay the full amount of the principal moneys of such debentures when and as the same may be drawn by ballot for payment, as hereinafter mentioned.

Method of de- 8. For determining the debentures to be so paid off at such periods

periods respectively as hereinbefore mentioned, it shall be the duty of the corporation at some time before the period of six months which shall elapse before each of such terms of ten, fifteen, twenty and twenty-five years respectively, to cause the number of every such debenture at each time outstanding and unpaid, to be printed upon separate pieces of paper, bearing each also its separate denomination, all of which shall be folded and placed in a box, and thence drawn by the mayor in the presence of the city chamberlain, to the extent in amount of principal money which shall be payable at the end of such term of years next thereafter, and if the amount to be paid off at any of the periods aforesaid be overdrawn in the ballot, the mayor shall discard the number of the debenture by which such overdraft is made, and he shall draw from the box, and if need be continue to do so until he shall draw a paper bearing a number, the denomination of which will complete the amount so required, to be paid off at the end of such term, and when the numbers and denominations of the debentures to be so paid off shall be ascertained by such ballot, the ballot shall then be closed and the mayor shall cause to be inserted in the *Official Gazette*, and in some newspaper of the place wherein such debentures are payable, six months' notice of the numbers of the debentures so drawn by ballot, and that the principal money and interest thereof will be paid at the place mentioned in the said debentures upon the next thereafter following half-yearly day of payment of interest, specifying such day; and the corporation shall upon presentation at such time and place of any such debentures, pay off and discharge, or cause to be paid off and discharged, all interest due thereon, and the principal moneys thereof; but no interest shall accrue or become due upon any such debentures so drawn by ballot and advertised for payment, after the day so appointed for the payment thereof: Provided always, that the corporation of the City of Ottawa may, if deemed advisable or expedient, notwithstanding anything herein contained, by by-laws to be passed nine months at least before each of such periods of ten, fifteen, twenty and twenty-five years respectively, provide and direct that the several ballots hereinbefore mentioned and directed to be made shall take place in the City of London, in that part of Great Britain called England, by such person or persons, and in such manner, and in such place, and generally in all respects as by any such by-laws shall be declared and determined, and the several ballots shall have the like force and effect in all respects as if the same had been made by the Mayor, in the presence of the City Chamberlain, as in this section is contained.

termining by
ballot the de-
bentures to be
paid off.

9. If the water commissioners shall at any time fail to pay over to the corporation the sums of money from time to time necessary for the payment of interest on the said debentures, or any part of them, or to pay over to the corporation, after the completion of the works, the said interest, and as well also on or before the first day of January in each year during the

Provisions for
raising sinking
fund by the
corporation in
the event of
the water
commissioners
failing to do

said 80.

said term of thirty years, such sums of money as may be found from time to time necessary and requisite for a sinking fund as herein mentioned, it shall be the duty of the corporation, and they are hereby authorized and required when and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate upon all the assessable property of the City of Ottawa, in the manner and with the like powers as shall exist in respect to municipal assessments, rates and taxes, and from the proceeds thereof to pay and discharge all sums of money for interest or principal which may be due, or accruing due, as hereinbefore mentioned.

Incorporation
of secs. 5, 6, 7,
8 and 9 in the
35th Vic. cap.
80.

10. The preceding sections of this Act, numbered five, six, seven, eight and nine, are hereby incorporated with the Act mentioned in the preamble to this Act and intituled "An Act for the Construction of Water Works for the City of Ottawa," as the same is hereby further amended, and they shall be taken and read as if embodied in such last mentioned Act as hereby further amended, and in lieu of the twenty-ninth and part of the thirtieth sections (hereinbefore repealed) of such Act; and the debentures in such Act mentioned shall be taken to be the debentures which may be issued under the authority of this Act.

Amendment to
sec. 4 of 35
Vic. cap. 86.

11. Section four of the said Act is hereby amended by adding to the end thereof the following words:—

If any person or persons, body corporate or politic, neglect to name an arbitrator within eight days after receiving notice from the commissioners so to do, the judge of the county court of the County of Carleton, on the application of either party, shall nominate as arbitrator a fit person resident without the limits of the municipality in which the property in question is situated, and such arbitrator shall forthwith proceed to hear and determine the matters referred to him; and provided further that the judge of the county court of the County of Carleton shall have power at the instance of either party to order in writing the attendance of witnesses before the said arbitrator or arbitrators, and the disobedience of such order or neglect to attend shall subject the party disobeying, neglecting, or refusing to a penalty of forty dollars, to be recovered by suit in the division court, unless the party establishes to the satisfaction of the judge of such court reasonable cause for such disobedience, neglect or refusal.

Amendments
to ss. 6 and
16.

12. Sections six and sixteen of the said Act are hereby amended by striking out the word "three" in each of the said sections, and substituting therefor in each case the word "five."

Amendment to
sec. 8.

13. Section eight is hereby amended by declaring, That the statement required by the said section to be published by the commissioners, shall be by the commissioners rendered to the corporation of the City of Ottawa, who shall publish the same, as directed by the said Act.

14. The fourteenth section of the said Act is hereby amended by striking out the word "and" in the second line of the said section, after the word "assessors," and substituting therefor the word "or," and declaring that any person or persons employed by the said commissioners under the said section shall have the same and the like powers as collectors and assessors in the cities of this Province shall for the time being possess. Amendment to sec. 14.

15. Section nineteen of the said Act is hereby amended by adding thereto, at the end thereof, the following words: "Provided always, that the owners and occupants of premises shall be compelled to make the necessary provision to receive the service-pipes in safety, to the satisfaction of the engineer of the said commissioners, and in default of their doing so, the commissioners shall have power so to do, and charge the costs thereof to the owners or occupants of the premises, and such charges shall be payable with the first charge for water-rates, and shall be collected in the same manner from the owners or occupants." Amendment to sec. 19.

16. Section forty of the said Act is hereby repealed, and the following substituted therefor: "The said works shall be constructed within three years from the passing of this Act." Sec. 40 repealed, and new sec. substituted therefor.

17. Section forty-one of the said Act is hereby amended by adding thereto the following:—"Excepting the laying of the water-pipes, and such other works as in the opinion of the engineer of the said commissioners (such opinion to be expressed in writing) can be more profitably performed by day work." Amendment to sec. 41.

CAP. CV.

An Act to incorporate "The Three A Silver Mining Company of Thunder Bay, Ontario."

[Assented to 29th March, 1873.]

WHEREAS Albert D. Shaw, David A. Wray, James Preamble Woolworth, A. Porter Thompson, William G. Fargo, Samuel G. Cornell, Joseph E. McDougall, John Clarke and others, are entitled to the mineral locations in the Township of McGregor, in the district of Thunder Bay, known as "Three A," and have associated themselves together for the purpose of mining the same, and have already expended a large sum of money in *bona fide* mining thereon: And whereas, they have been carrying on such mining operations without an Act or Charter of incorporation in this Province, and find that they cannot safely or properly continue the same without being incorporated as a company: And whereas, the interests of the various

various persons aforesaid in the said mineral locations and mining operations are represented or defined by shares; the capital of the said association being represented by one hundred thousand shares of the par value of twenty-five dollars each, and the shares being allotted and divided among the parties interested according to their interests in the location and mining operations: And whereas, all the shares of the said association have been disposed of excepting ten thousand shares, and the amount payable for or in respect of the allotted shares have been paid to the managers of the said association: And whereas, the said association have sufficient cash capital in hand to render it unnecessary, that the remainder of the said capital stock shall be offered for subscription at the present time, and are realizing more than sufficient to pay all expenses from the mining operations aforesaid: And whereas, the said parties are desirous of obtaining an Act of incorporation, for the purpose of carrying out the object of their association, and it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Albert D. Shaw, David A. Wray, James Woolworth, A. Porter Thompson, William G. Fargo, Samuel G. Cornell, Joseph E. McDougall and John Clarke, together with all such other persons, bodies corporate or politic, as are or shall become shareholders in the company, hereby incorporated, shall be, and they are hereby made a body corporate and politic, under the name of "The Three A Silver Mining Company of Thunder Bay, Ontario."

Corporate name.

Business of the company.

2. The said company may carry on the business of exploring for, mining, smelting, reducing, manufacturing and selling silver ores and other ores: and for those purposes may acquire and hold by purchase, lease or other legal title, such personal property, and such lands, real estate and mining rights in this Province, not, however, at any time exceeding two thousand acres in superficies, as may be necessary to enable said company to carry on its operations: and may construct and maintain such buildings, machinery and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage: and may sell, lease, convey or otherwise dispose of any such lands or other property as the said company may deem necessary or proper, or as the business or operations of the said company may require.

Real estate.

Capital stock.

3. The capital stock of the said company shall be two millions and five hundred thousand dollars, divided into one hundred thousand shares of twenty-five dollars each, which said capital stock may be from time to time increased by a two-thirds vote of a majority of the stockholders, to an amount not exceeding the further sum of one million and five hundred thousand dollars;

dollars: and the holders of paid up stock shall have the right of subscribing for such further issue or issues of stock, or for any part thereof, at par in proportions to their respective interests in such paid up stock as aforesaid: and the said company shall be at liberty to fix a premium on such stock when the same shall be opened to subscription to the public.

4. All the persons who at the time of the passing of this Act may be entitled to any interest in the said association, are declared to be possessed of the capital stock of this company, fully paid up according to the number of the said shares which may be then held by them respectively, and shall each be entitled to have a corresponding number of shares fully paid up allotted to them by the directors of this company, and to demand and receive certificates therefor, upon the company perfecting its organization under this Act. Allotment of stock.

5. All the estate, real and personal, of whatsoever kind or description at the time of the passing of this Act vested in such persons, or which they may then be entitled to hold by virtue of their said association, is hereby vested in the said company; and the said company shall in like manner be liable for all contracts and obligations entered into by the said association. Property vested in the company.

6. So much of the capital stock of this company as may not be paid up stock, shall be paid by the subscribers therefor, when, where and as the directors of the company shall require, or as the by-laws may provide: and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*. If not paid promptly, interest to be charged. Proviso.

7. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all the instalments called for thereon have been paid, unless it has been declared forfeited for non-payment. Stock, how assignable.

8. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company: and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible Aliens may be shareholders.

eligible to hold all offices as directors or otherwise in the said company.

Meetings and manner of voting.

9. At all meetings of the company, every shareholder not being in arrears in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company, and no shareholder being in arrears shall be entitled to vote, and all votes may be given in person or by proxy: Provided always, the proxy is held by a shareholder not in arrears, and is in conformity with the by-law.

Directors, how elected, and qualification.

10. The affairs of the company shall be administered by a board of thirteen directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting, and hereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected: and five members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto: but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Vacancies how filled.

Powers of the board.

11. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase, and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payments thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company, their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures, admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company: but every such by-law and every repeal, amendment, and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company: and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law;

law; the directors shall elect from among themselves a president and vice-president, and shall appoint a secretary and treasurer.

12. Until the first election of such board, Albert D. Shaw, Provisional directors.
David A. Wray, James Woolworth, A. Porter Thompson, Samuel G. Cornell, Joseph E. McDougall, John Clarke, Abram Altman, Gustavius P. Hosmer, James S. Lyon, Thomas Kean, Myson P. Bush, and George Truscott, shall be a provisional board of directors of the said company, with full power Their powers.
to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

13. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt. Company not liable as trustees.

14. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following sections. Liability of shareholders defined.

15. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof, for services performed for the company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part. Shareholders liable for debts due to employees.

16. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred Negotiable instruments.

hundred dollars ; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company : and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note ; nor shall the president, vice-president, secretary or treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company : Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Proviso.

Company may
borrow money
and issue
bonds.

17. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said corporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere as may be deemed advisable, and to sell the same at such prices as may be deemed expedient ; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company for the due payment of the said sums and the interest thereon, but no such debentures shall be for a less sum than one hundred dollars ; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company : Provided, that the said company shall not be authorized to borrow a sum exceeding one half of the amount of the capital stock then paid up.

Proviso.

Persons sub-
scribing for
stock shall
furnish ad-
dresses.

18. It shall be incumbent on persons subscribing or who may have subscribed for stock in the said company to furnish to the secretary of the said company an address in writing to which all notices shall be sent ; and it shall be sufficient to send to that address all notices relating to calls and forfeitures or cancellations

cancellations of stock and all other notices, and if such address be not given such notices shall be deemed sufficiently served if inserted three times in the *Ontario Gazette*, and once in each week for three weeks in a daily newspaper published in the city of Toronto.

19. The directors shall have authority to establish places ^{Establishment} or offices for the business of the company in such places as to ^{of offices,} them shall seem proper, and to have books at such places for the subscription and transfer of shares and for the transaction of any business of the company thereat, including shareholders' meetings if the shareholders themselves shall so approve, and to employ agents for that purpose: the principal office of the company shall be within the Province of Ontario.

20. It shall also be lawful for the said company, upon making ^{Company} sales or leases of real or personal property, or mining or manu- ^{may accept} facturing arrangements with any body corporate or politic, to ^{stock, &c., in} take in consideration therefor stock and debentures or bonds in ^{other com-} such bodies corporate or politic. ^{panies.}

21. The shareholders of the said company shall consist of ^{Who shall be} the persons in the fourth paragraph hereof referred to, and of ^{shareholders.} such other persons as may subscribe to any stock that may be hereafter issued by the said company who shall have fully paid up all calls upon said shares, together with the amount of any premium on stock that may be fixed as aforesaid; and every shareholder shall be entitled to a vote for every share which he shall hold.

22. The Joint Stock Companies Clauses Consolidation Act ^{Joint Stock} of the Province of Canada shall not be construed to apply to ^{Companies Act} the company hereby incorporated. ^{not to apply.}

23. Nothing herein contained shall be construed as relieving ^{Company not} the said company from any obligations existing on the part of ^{relieved from} the said association or individual members thereof in respect of ^{existing obli-} the said mineral location and mining operations, or of any mat- ^{gations.} ter connected therewith.

CAP. CVI.

An Act to incorporate "The Beck Mining Company of Marmora."

[Assented to 29th March, 1873.]

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the

the County of Hastings, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas, it is expedient that such prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- incorporation. **1.** John Beck, Watson Hubbard, James Woolworth, Rusk Harris and William McBride, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of "The Beck Mining Company of Marmora."
- Corporate name.
- Business of the company. **2.** The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper, and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or legal title, such lands and mining rights in the said County of Hastings, and elsewhere, in the said Province of Ontario, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon or connected therewith as the company may deem for its advantage, with power to sell and convey any of such lands or other property, as the said company may think fit.
- Real estate.
- Capital stock and shares. **3.** The capital stock of the company shall be the sum of one hundred thousand dollars, in four thousand shares of twenty-five dollars each, which said capital stock may be from time to time increased, as the wants of the company require, by a two-thirds vote of the majority of the stockholders, at a meeting of the company called for that purpose, to an amount not exceeding five hundred thousand dollars.
- Increasing capital.
- How stock to be paid. **4.** The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact, and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide; Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.
- If not paid promptly, interest to be charged.
- Forfeiture for non-payment. **5.** The stock of the company shall be deemed personal estate, and

and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non payment. Stock, how assignable.

6. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company. Aliens may be shareholders.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrears shall be entitled to vote; and all votes may be given in person or by proxy; Provided always, the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws. Meetings and manner of voting. Proviso.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected; and four members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal, or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose. Directors, how elected, and qualification. Vacancies how filled.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase, and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties, and removal of all agents, officers, and servants of the company; their remuneration, and that, if any, of the directors; the time and place for holding annual and other meetings of the company; the calling of meetings of the company, and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the imposition and recovery of all penalties and forfeitures, admitting of regulation by by-law; and the conduct in all Powers of the Board.

Copies of the
by-laws to be
prima facie
evidence
thereof.

all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Provisional
directors.

10. Until the first election of such board, John Beck, Watson Hubbard, James Woolworth, Rusk Harris and William McBride shall be a provisional board of directors of the said company, with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Their powers,

Company not
liable as
trustees.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of
shareholders
defined.

12. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Shareholders
liable for
debts due to
employees.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and apprentices thereof, for services performed for such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

14.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages, or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Negotiable
instruments.

Proviso.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere as may be deemed advisable, and to sell the same at such prices as may be expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and under the seal of the said company and countersigned by the secretary of the said company: Provided, that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Company may
borrow money
and issue
bonds.

Proviso.

16. The company shall not commence operations under this Act until at least five per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act within two years from the

When to com-
mence busi-
ness.

the

the passing thereof, this Act of incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Establishment
of offices.

17. The directors shall have authority to establish places or offices for the business of the company in such places as to them may seem proper, and to have books at such places for the subscription and transfer of shares and for the transaction of any business of the company thereat, including shareholders' meetings, if the shareholders themselves shall so approve, and to employ agents for that purpose; the principal office of the company shall be within the Province of Ontario.

Joint Stock
Cos. Con. Act
not to apply.

18. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

CAP. CVII.

An Act to incorporate "The Black Bay Silver Mining Company."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS John E. Kitton, on behalf of himself and the persons hereinafter named, has by petition represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the districts of Thunder Bay and Algoma, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas it is expedient that such prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. John E. Kitton, Eber Ward, Stephen Baldwin, Ezra Rust, John L. Agens, Henry Whiting, Diodorus Sheldon, Robert H. Jenks, Eugene Smith, Gabriel J. Holbert, James P. Donnelly, Brooks Wright Gossage, and Alexander John Cattanaach, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic by the name of "The Black Bay Silver Mining Company."

Name.

Business of
the company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper, and

and other ores and metals, and for these purposes may acquire and hold, by purchase, lease or other legal title, such personal property and such lands, and mining rights in the districts of Thunder Bay and Algoma, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

3. The capital stock of the company shall be the sum of one million two hundred thousand dollars, in sixty thousand shares of twenty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two-third vote of the majority of the stockholders, at a meeting of the company called for the purpose, to an amount not exceeding two million dollars.

Capital stock.
Shares.
Increase.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact, and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

Payment of
instalments
on shares and
forfeiture for
non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid unless it has been declared forfeited for non-payment.

Assignment of
shares, calls to
be first paid.

6. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to offices in the said company, as directors or otherwise.

Aliens.

7. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy:

Votes of
shareholders.

LL

Provided

Provided always, the proxy is held by a shareholder not in arrears, and is in conformity with the by-laws.

Directors.

Qualification.

Election.

Quorum.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be reelected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

**Powers of the
board of direc-
tors.**

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the site of their chief place of business, which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

**Provisional
directors.**

10. Until the first election of such board, the persons named in the first section shall be a provisional board of directors for the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments

ments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to the execution of any trust.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Liability of shareholders.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for such company; but no shareholders in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Shareholders liable for debts due to employees.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed

Power to make bills and promissory notes.

affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Power to borrow.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have powers to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company, and under the seal of the said company: Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Commencement of operations.

Forfeiture.

16. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act, within two years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Joint Stock Company Act not to apply.

17. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

CAP. CVIII.

An Act to incorporate "The Cornish Silver Mining Company of Canada."

[Assented to 29th March, 1873.]

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the district of Thunder Bay, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas it is expedient that such prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Malcolm G. Munro, John Shore, Frederick Shore, John Wright, Ephraim Jones Parke, Horatio Jell, Arthur Seabrook, Sidney Seabrook, David Margrave Thompson, George B. Parrott and Peter Body, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made, a body corporate and politic, by the name of "The Cornish Silver Mining Company of Canada."

Incorporation.

Corporate name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property and such lands, and mining rights in the district of Thunder Bay, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

Business of the company.

Real estate.

3. The capital stock of the company shall be three hundred and fifty thousand dollars, in seven thousand shares of fifty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding five hundred thousand dollars.

Capital stock.

Increasing capital.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day

How stock to be paid.

If not paid promptly, interest to be charged.

Forfeiture for non-payment.

day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

Assignment of stock.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Aliens may be shareholders.

6. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to offices in the said company, as directors or otherwise.

Meetings.

7. At all meetings of the company every shareholder not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always, the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Scale of votes.

Election of directors, and their qualification.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto, but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Quorum.

Vacancies how filled.

Powers of directors.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make, or cause to be made, any purchase and any description of contract which the company may by law make; to adopt a common seal; to

make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law, and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of
by-laws to be
evidence
thereof.

10. Until the first election of such board, Malcolm G. Munro, John Shore, Frederick Shore, John Wright, Ephraim Jones Parke, Horatio Jell, Arthur Seabrook, Sidney Seabrook, David Margrave Thompson, George B. Parrott, and Peter Body, shall be a provisional board of directors of the said company, with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Provisional
directors.

Their powers.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not
liable as
trustees.

12. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected

Liability of
shareholders.

connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Shareholders
liable for debts
due employees.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof, for service performed for such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part

Negotiable
instruments.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Proviso.

Company may
borrow money
and issue
bonds.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper; and to issue bonds, debentures, or other securities for the sum so borrowed; and to make the same payable

able either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable; and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage, or pledge the lands, revenues and other property of the company for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company: Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up. Proviso.

16. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act within four years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose. When company to commence business.

17. The site of the chief place of business of the company shall be at the City of London, in the Province of Ontario, until altered by by-law of the company. Head office.

18. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated. Joint Stock Company Act not to apply.

CAP. CIX.

An Act to incorporate "The Gatling Gold and Silver Mining Company."

[Assented to 29th March, 1873.]

WHEREAS the persons hereinafter named have, by petition, represented that they are desirous of obtaining an Act of incorporation, for the purpose of carrying on mining operations in the Township of Marmora and elsewhere in the Province of Ontario, and have prayed for an Act to that end; And whereas, a company consisting of the said persons and others was formed in the State of New York, in the United States of America, called "The New York and Madoc Gold Mining Company," for the purchase of lands in the Townships of Marmora and Hungerford in this Province, and of mining the same, and the said company has expended large sums of money in the purchase of such

Preamble.

such lands and mining operations which are now going on ; And whereas, such lands were conveyed to that company by William Jesse Gatling hereinafter named, under the erroneous impression, as well on his part as on that of the said company, that it could hold lands and carry on mining operations in its corporate character in this Province ; And whereas, the said persons are desirous of purchasing or acquiring such lands, as well as certain personal property, from the said recited company ; And whereas, it is expedient that such prayer be granted :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- Incorporation.** 1. William Jesse Gatling, Archibald Hamilton Campbell, John Thomas, Charles James Blomfield, James M. Tuttle and William Sutherland, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the name of "The Gatling Gold and Silver Mining Company."
- Corporate name.**
- Business** 2. The company may carry on the business of exploring for mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property, and such lands and mining rights in the Counties of Peterborough and Hastings, and elsewhere in the Province of Ontario, not at any time exceeding two thousand acres in superficies ; and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property, as the said company may think fit.
- Real estate.**
- Capital stock and shares.** 3. The capital stock of the company shall be the sum of one million dollars, in ten thousand shares of one hundred dollars each, which said capital stock may be from time to time increased, at a meeting of the company called for the purpose, by a vote of a majority of the stockholders, representing at least two-thirds of the whole capital stock of the company, to an amount not exceeding two millions of dollars.
- How the stock to be paid.** 4. The capital stock shall be paid by the subscribers therefor when, where, and as the directors of the company shall require or as the by-laws may provide ; and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day upon the amount due and unpaid, until the same is paid ; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote reciting the fact and duly recorded in their records,
- If not paid promptly, interest to be charged.**

records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide : Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

Forfeiture for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe ; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock, how assignable.

6. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company ; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to offices in the said company, as directors or otherwise.

Aliens may be shareholders.

7. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company ; and no shareholder being in arrear shall be entitled to vote ; and all votes may be given in person or by proxy : Provided always, the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Meetings and manner of voting.

Proviso.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected ; and three members of such board, one of whom being the president or vice-president, present in person, shall be a quorum thereof ; and in case of the death, resignation, removal, or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company by appointing any qualified shareholder thereto ; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation ; and an election may be had at any general meeting of the company called for the purpose.

Directors, how elected, and qualification.

Quorum.

Vacancies, how filled.

9. The board of directors shall have full power in all things to administer the affairs of the company ; and to make or cause to be made any purchase, and any description of contract which the company may by law make ; to adopt a common seal ; to make from time to time any and all by-laws (not contrary to law or the votes of the company), regulating the calling in of instalments of stock and payment thereof ; the issue and registration of certificates of stock ; the forfeiture of stock for non-payment ;

Powers of board.

payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the establishment of such places for the transaction of business as they may consider necessary, provided, however, that the chief place of business shall be in the Town of Peterborough, in this Province; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

Provisional directors.

10. Until the first election of such board, William J. Gatling, A. H. Campbell, John Thomas, C. J. Blomfield, J. M. Tuttle, and William Sutherland shall be a provisional board of directors of the said company, with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company at the Town of Peterborough at such time as they shall determine; and to do other acts necessary or proper to be done, to organize the company and conduct its affairs.

Company not liable as trustees.

11. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of shareholders defined.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and apprentices thereof, for services performed for such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Shareholders
liable for debts
due to em-
ployees.

14. The company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Negotiable in-
struments.

Proviso.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at a general meeting to be called from time to time for such purpose, shall have powers to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere as may be deemed advisable, and to sell the same at such prices as may be

Company may
borrow money
and issue
bonds, &c.

be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company, and under the seal of the said company: Provided that the liabilities of the said company shall not at any one time exceed the sum of twenty-five thousand dollars.

Proviso.

Power to acquire rights of New York and Madoc Gold Mining Company to property in the County of Hastings.

16. The New York and Madoc Mining Company are hereby declared to have been, at the time they took a conveyance of the said lands from the said Gatling, capable of taking and holding the said lands for such estate as was conveyed or was intended so to be, and the president and secretary of that company may, by deed or deeds under their hands and the seal of that company, with the consent of the shareholders, sell and convey such lands to the Gatling Gold and Silver Mining Company; and the last-named company may acquire the same and the personal property hereinbefore referred to, on such terms and for such considerations, either in cash, paid-up stock, or partially paid-up stock, as may be agreed upon between the directors of the two companies; and any deed so executed, containing a receipt for the purchase money, shall relieve the purchaser from any liability to see to the application of the same, and from all liability for the non-application or misapplication thereof.

Forfeiture for non-user.

17. The incorporation of this company shall not take effect until it shall have acquired the lands and property referred to in the next foregoing section, or otherwise until stock shall have been *bona fide* subscribed to the extent of two hundred thousand dollars, and ten per centum shall have been paid thereon into one of the chartered banks of this Province, to the credit of the company; and unless, also, mining operations shall be commenced under this Act within two years from the passing thereof, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

Joint Stock Companies' Act not to apply to the company.

18. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

CAP. CX.

An Act to incorporate "The Hubbard Silver Mining Company of Thunder Bay."

[Assented to 29th March, 1873.]

WHEREAS the persons hereinafter named have by petition Preamble. represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the districts of Thunder Bay and Algoma, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end: And whereas, the parties hereinafter named, or some of them, are the owners in fee of upwards of six thousand acres of land in the said districts: And whereas, it is expedient that such prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Watson Hubbard, James Woolworth, John Beck, George Incorporation. P. Shears and Rusk Harris, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic by the name of "The Hubbard Silver Mining Company of Corporate name. Thunder Bay."

2. The company may carry on the business of exploring for, Business of the company. mining, smelting, manufacturing and selling gold, silver, copper, and other ores and metals, and for these purposes may acquire and hold by purchase, lease or legal title such lands and mining rights in the districts of Thunder Bay and Algoma not at any time exceeding two thousand acres in superficies, and to Real estate. construct and maintain such buildings, machinery and other erections and improvements thereon or connected therewith as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

3. The capital stock of the company shall be the sum of five Capital stock and shares. hundred thousand dollars, in twenty thousand shares of twenty-five dollars each, which said capital stock may be from time to time increased, as the wants of the company require, by a two-thirds vote of the majority of the stockholders, at a meeting of the company called for the purpose, to an amount not exceed- Increasing capital. ing one million dollars.

4. The capital stock shall be paid by the subscribers therefor How stock to be paid. when, where and as the directors of the company shall require, or

If not paid promptly, interest to be charged.

Forfeiture for non-payment.

Stock, how assignable.

Aliens may be shareholders.

Meetings and manner of voting.

Proviso.

Directors how elected, and qualification.

Vacancies how filled.

Powers of the board.

or as the by-laws may provide, and if not paid at the day required interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote reciting the fact, and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

6. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company.

7. At all meetings of the company every shareholder not being in arrear in respect of any instalment called for shall be entitled to as many votes as he holds shares in the stock of the company, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy: Provided always, the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected, and four members of such board present in person shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, but an election may be had at any general meeting of the company called for the purpose.

9. The board of directors shall have full power in all things to administer the affairs of the company, and to make or cause to

to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments of stock and payment thereof; the issue and registrations of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company; but every such by-law, and every such repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-law to be *prima facie* evidence thereof.

10. Until the first election of such board, Watson Hubbard, James Woolworth, John Beck, George P. Shears and Rusk Harris shall be a provisional board of directors of the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within the Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Provisional directors.

Their powers.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not liable as trustees.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their

Liability of shareholders defined.

their shares in the stock thereof, except as provided in the next following section.

Shareholders
liable for debts
due to em-
ployees.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and apprentices thereof, for services performed for such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Negotiable in-
struments.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Proviso.

Company may
borrow money
and issue
bonds, etc.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have powers to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said corporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place

place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage, or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company, and under the seal of the said company: Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up. Proviso.

16. The company shall not commence operations under this Act until at least five per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act within two years from the passing thereof, this Act of incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose. When to commence business. Proviso. Forfeiture for non-user.

17. The directors shall have authority to establish places or offices for the business of the company in such places as to them may seem proper, and to have books at such places for the subscription and transfer of shares, and for the transaction of any business of the company thereat, including shareholders' meetings, if the shareholders themselves shall so approve, and to employ agents for that purpose; the principal office of the company shall be within the Province of Ontario. Establishment of offices.

18. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated. Joint Stock Co.'s Con. Act not to apply.

CAP. CXI.

An Act to incorporate "The Silver Harbour Mining Company of Thunder Bay, Ontario."

★

[Assented to 29th March, 1873.]

WHEREAS George Truscott, Myron P. Bush, DeWitt C. Weed, Hamilton M. Lymburner, Samuel G. Cornell, Rusk Harris and others, are entitled to the mineral locations in the Township of McGregor, in the District of Thunder Bay, known as "11 Z and 12 Z," and have associated themselves together for the purpose of mining the same, and have already expended Preamble.

expended a large sum of money in *bona fide* mining thereon : And whereas, they have been carrying on such mining operations without an Act or Charter of Incorporation in this Province, and find that they cannot safely or properly continue the same without being incorporated as a company : And whereas, the said various persons have subscribed capital for the purchase of the said mineral locations and for mining operations, amounting to the sum of one hundred and fifty thousand dollars, about one-half of which they have paid up : And whereas, in order to define their interests in the said mineral locations and mining operations, they have treated the said capital as being composed of one thousand five hundred parts or shares of one hundred dollars each : And whereas, they have defined the interests of the said various parties to be in proportion to the number of such parts or shares so held by them : And whereas, the said parties are desirous of obtaining an Act of incorporation, for the purpose of carrying out the object of their association, and it is expedient to grant the same :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- Incorporation.** 1. The said George Truscott, Myron P. Bush, DeWitt C. Weed, Hamilton M. Lymburner, Samuel G. Cornell, Rusk Harris and such other person or persons, bodies corporate or politic, as are or may become holders of shares of stock in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, under the name of “The Silver Harbour Mining Company of Thunder Bay, Ontario.”
- Corporate name.**
- Business of the company.** 2. The said company may carry on the business of exploring for, mining, smelting, reducing, manufacturing and selling silver ores and other ores, and for those purposes may acquire and hold by purchase, lease, or other legal title, such personal property, and such lands, real estate and mining rights in this Province, not however at any time exceeding two thousand acres in superficies, as may be necessary to enable said company to carry on its operations ; and may construct and maintain such buildings, machinery and other erections and improvements thereon or connected therewith, as the company may deem for its advantage ; and may sell, lease, convey, or otherwise dispose of, any of such lands or other property as the said company may deem necessary or proper, or as the business or operations of the company may require.
- Real estate.**
- Capital stock.** 3. The capital stock of the said company shall be one hundred and fifty thousand dollars, divided into one thousand five hundred shares of one hundred dollars each, which said capital stock may be from time to time increased by a two-thirds vote of the majority of the stockholders, to an amount not exceeding the further sum of eight hundred thousand dollars, and the holders
- Increasing capital.**

holders of paid up stock shall have the right of subscribing for such further issue or issues of stock, or for any part thereof, at par, in proportion to their respective interests in such paid up stock as aforesaid : And the said company shall be at liberty to fix a premium on such stock, when the same shall be opened to subscription by the public.

4. All the persons who at the time of the passing of this Act may be entitled to any interest in the said association, Allotment of stock. are declared to be entitled to the capital stock of this company according to the number of shares so held by them respectively, and to be treated as having paid up their shares to the extent to which the same may have been actually paid up ; and shall each be entitled to have a corresponding number of shares allotted to them by the directors of this company, and to demand and receive certificates therefor, upon the company perfecting its organization under this Act.

5. All the estate, real and personal, of whatever kind or description, at the time of the passing of this Act, vested in such persons, or which they may be entitled to hold by virtue of their said association, is hereby vested in the said company, Property to be vested in the company. and the said company shall in like manner be liable to all contracts and obligations entered into by the said association.

6. So much of the capital stock of this company as may not be paid up stock, shall be paid by the subscribers therefor, How stock to be paid. when, where, and as the directors of the company shall require, or as the by-laws may provide ; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid ; If not paid promptly, interest to be charged. and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide : Forfeiture for non-payment. Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*. Proviso.

7. The stock of the company shall be deemed personal estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe ; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment. Stock, how assignable.

8. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company ; and all such shareholders shall be entitled to vote Aliens may be shareholders. on

on their shares equally with British subjects, and shall be also eligible to hold offices as directors or otherwise in the said company.

Meetings and
manner of
voting.

9. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrears shall be entitled to vote; and all votes may be given in person or by proxy: Provided always, the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Directors, how
elected, and
qualification.

10. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least five shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Vacancies, how
filled.

Powers of the
board.

11. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointments, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company,

company, shall be received in all courts of law as *prima facie* evidence of such by-law: The directors shall elect from among themselves a president and vice-president, and shall appoint a secretary and treasurer. Election of officers.

12. Until the first election of such board, George Truscott, Myron P. Bush, DeWitt C. Weed, Hamilton M. Lymburner, Samuel G. Cornell, Rusk Harris, Abram Altman and Henry A. Richmond, shall be a provisional board of directors of the said company, with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do all other acts necessary or proper to be done to organize the company and conduct its affairs. Provisional directors, their powers.

13. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt. Company not liable as trustees.

14. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section. Liability of shareholders defined.

15. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof, for services performed for the company; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company, for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part. Shareholders liable for debts due to employees.

16. The company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed Negotiable instruments.

dorsed by the president or vice-president, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Proviso.

Company may borrow money and issue bonds.

17. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere as may be deemed expedient or advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company, and under the seal of the said company: Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Proviso.

Persons subscribing for stock shall furnish their addresses.

18. It shall be incumbent on persons subscribing, or who may have subscribed for stock in the said company, to furnish to the secretary of the said company an address in writing to which all notices shall be sent; and it shall be sufficient to send to that address all notices relating to calls and forfeiture or cancellation of stock and all other notices; and if such address be not given, such notices shall be deemed sufficiently served if
inserted

inserted three times in the *Ontario Gazette*, and once in each week for three weeks in a daily newspaper published in the City of Toronto.

19. The directors shall have authority to establish places or offices for the business of the company in such places as to them shall seem proper, and to have books at such places for the subscription and transfer of shares, and for the transaction of any business of the company thereat, including shareholders' meetings, if the shareholders themselves shall so approve, and to employ agents for that purpose; the principal office of the company shall be within the Province of Ontario.

Establishment
of offices.

20. It shall also be lawful for the said company upon making sales or leases of real or personal property, or mining or manufacturing arrangements with any bodies corporate or politic, to take in consideration therefor stock and debentures, or bonds in such bodies corporate or politic.

To accept
stock &c., in
other compan-
ies on making
sales, &c.

21. The shareholders of the said company shall consist of the persons in the fourth section of this Act referred to, and of such other persons as may subscribe to any stock that may be hereafter issued by the said company who shall have fully paid up all calls upon said shares, together with the amount of any premium on stock that may be fixed as aforesaid; and every shareholder shall be entitled to a vote for every share which he shall hold.

Who shall be
shareholders.

22. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

Joint Stock
Co.'s Act not
to apply.

23. Nothing herein contained shall be construed as relieving the said company from any obligations existing on the part of the said association, or individual members thereof, in respect of the said mineral locations and mining operations, or of any matters connected therewith.

Company not
relieved from
existing obli-
gations.

CAP. CXII.

An Act to incorporate "The Carp River Improvement Company of Thunder Bay."

[Assented to 29th March, 1873.]

WHEREAS the area of lands surrounding Lake Ka-zee-
zee-kitch-wa-ga-nog are pine and spruce bearing land,
and inaccessible in any way except through the waters of Carp
River,

Preamble.

River, which conveys the waters of said Lake into Thunder Bay; And whereas, in its natural condition, the channel of the said river is obstructed by rocks, boulders, and sunken roots and trees, as well as by sudden curves and deep falls, which renders it absolutely unnavigable for transmission of logs and spars, or for any other purpose; And whereas, for the purposes of trade it is essential that these natural difficulties should be overcome; And whereas, Delevan D. Van Norman, Marshall Blackwood, John McIntyre, Robert Maitland, The Honorable Donald McDonald, Peter Johnson Brown and others, have by their petition prayed to be incorporated as a company, under the name of "The Carp River Improvement Company of Thunder Bay," for the purpose of erecting dams and slides, and of improving and increasing the supply of water in Carp River, and waters connected therewith, in the District of Thunder Bay, to expedite the safe conveyance of timber and saw logs; and it is expedient to grant the prayer of the said petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Incorporation.** 1. Delevan D. Van Norman, Marshall Blackwood, John McIntyre, Robert Maitland, John Clarke, Adam Oliver, and Peter Johnson Brown, together with such other persons as may become associated with them as shareholders in the company hereby incorporated, shall be, and they are hereby created and declared to be a corporation and body politic by the name of "The Carp River Improvement Company of Thunder Bay," and shall continue such corporation, and shall have perpetual succession; and a corporate seal, with power to change the same at pleasure; may sue and be sued, implead and be impleaded, answer and be answered, and defend and be defended in all courts of law and equity.
- Corporate name.**
- Capital stock.** 2. The capital stock of the said company shall be thirty thousand dollars, divided into six hundred shares of fifty dollars each, which said capital stock may be from time to time increased to an amount not exceeding fifty thousand dollars, as the wants of the company require, by a two-third vote of the majority of stockholders present at a meeting of the company called for that purpose; and every shareholder shall be entitled to one vote for each share he may hold.
- Votes of shareholders.**
- Provisional directors.** 3. Delevan D. Van Norman, Marshall Blackwood, John McIntyre, Robert Maitland, John Clarke, Adam Oliver, and Peter Johnson Brown, shall be and are hereby constituted a provisional board of directors of the said company, and shall hold office until other directors are elected by the shareholders under the provisions of this Act.
- Their powers.** 4. The said provisional board of directors shall have full power to fill vacancies; to open stock books and procure subscription

scription of stock ; to make calls thereon ; grant certificates and receipts therefor ; to make provisional by-laws ; and to do all other things necessary or expedient in the organization of the company and the conduct of its affairs until the election of a board of directors therefor.

5. When and so soon as fifteen thousand dollars of the capital stock shall have been subscribed and ten per centum paid thereon, it shall be lawful for the provisional directors to call a meeting of the shareholders at such time and place in the District of Thunder Bay as they shall think proper, at which meeting the shareholders shall, either in person or by proxy, choose seven directors in the manner and qualified as hereinafter mentioned, to be directors of the said company, and to hold office until the first Monday in July, one thousand eight hundred and seventy-four.

Meeting for election of directors.

6. After the first election of directors, there shall, on the first Monday in July each year after the year one thousand eight hundred and seventy-four, be elected by the shareholders of the company seven directors ; and all elections for directors shall be by ballot ; and if a vacancy shall at any time occur among the directors by death, resignation, removal from the Province, or any other cause, such vacancy shall be filled for the remainder of the year by a majority of the directors ; and the said seven directors shall form the board of directors ; any and all acts, however, done by the surviving directors before such vacancy is filled up shall not be deemed invalid.

Annual election of directors.

Vacancies, how filled.

7. The persons qualified to be directors of the said company shall be shareholders, holding stock to the amount of not less than two hundred dollars, and upon which all calls have been paid.

Qualification of directors.

8. If at any time an election of directors be not made, or do not take effect at the time appointed under this Act, the said company shall not be taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders, to be called for that purpose by the board of directors, and the term of office of any retiring director shall not be deemed to have expired until his successor shall have been elected.

Failure to elect directors at proper time.

9. The directors shall annually elect from amongst themselves a president and vice-president, one of whom shall preside at the general board meetings, and otherwise discharge the duties pertaining to such office.

Election of president and vice-president.

10. The said directors shall and may use or affix the seal of the said corporation to any document or other instrument requiring same, and any act or deed bearing the seal, and signed by the president or vice-president, and countersigned by

Affixing company's seal to documents.

by the secretary, shall be held to be the act and deed of the company.

Quorum of directors.

11. At all meetings of the board of directors, whether of the provisional directors or the elected, three shall form a quorum for the transaction of business, and may exercise all the powers of the board; and the said board of directors may appoint one of their number as secretary and treasurer of the company, to be allowed and paid a fair sum for such services.

Appointment of secretary.

Payments on shares.

12. The shares of the capital stock subscribed for shall be paid in by such instalments and at such times and places as the said directors shall appoint; provided that no shares shall be held to be lawfully subscribed for unless ten per centum on the amount be paid at the time of subscribing.

Powers of directors.

13. The directors of the said company shall have full power and authority to make, prescribe, alter, amend, repeal, and reenact all such by-laws, rules, and regulations as shall appear to them proper and needful, touching the well ordering of the company, the acquirement, management, and disposition of its stock, property, estate, and effects, and of its affairs and business, and particularly of the following matters:—

1. The calling up and payment from time to time of the capital stock of the said company;

2. The issue of certificates to the respective shareholders, and the registration thereof in the books of the company, with the address of the shareholders;

3. The forfeiture and sale of shares for non-payment of the calls;

4. The transfer of shares; Provided however, that no transfer shall be made or take place except to solvent persons;

5. The declaration and payment of profits of the said company, and dividends in respect thereof;

6. The appointment, removal, and remuneration of all managers, agents, officers, and servants of the said company, as they shall deem necessary for carrying on the business of the said company, and the security, if any, to be taken from such parties respectively for the due performance of their respective duties;

7. The calling of general or special meetings of the board of directors and of the company;

8. The making and entering into deeds, agreements, leases, contracts, arbitrations and other documents to bind the company;

9. The borrowing or advancing money for promoting the purposes and interests of the company, and the securities to be given by or to the said company for the same;

10. The keeping of minutes of the proceedings of the board and company, and making the same binding and conclusive on the shareholders, and rectifying any errors that may be made therein;

11. To submit to the annual meeting of the shareholders a clear and detailed statement of the company's affairs;
12. The audit of the accounts and appointment of auditors.
14. Any copy of the by-laws of the said company, or any of them purporting to be made under the hand of the secretary, and having the seal of the company affixed, shall be received as *prima facie* evidence of such by-law in all the courts of this Province. By-laws, how proved.
15. The chief place of business of the said company shall be Fort William, where shall be kept regular books of accounts, in which shall be entered a correct statement of the assets, receipts and disbursements of the company; and such books shall be open at all times to the inspection and examination of any stockholder. Head office. Books of the company.
16. At any general meeting of the company, or at any meeting of the directors, all transactions, questions and matters shall be determined by a majority of the votes of the shareholders or directors present at such meeting, either in person or in case of a meeting of the shareholders by proxy: Provided always, that no shareholder shall be entitled to vote at any meeting of the company, or be eligible for election as director, who shall then be in arrears in respect of any call on his share. At meetings, majority of votes to govern.
17. All notices of calls on stock and meetings of the shareholders shall be published four weeks in the *Ontario Gazette* and in one newspaper (if any) in the District of Thunder Bay, and notice addressed to all the shareholders shall also be mailed, prepaid, six weeks before the day for holding said meeting, or the time on which the said call on stock is made payable. Notice of calls on stock and meetings.
18. The shares in the capital stock of the said company shall be deemed personal estate, and shall be transferable as such, but in such manner only, and subject to all such restrictions as by any by-law of the company may be prescribed, and no shares shall be transferred until fully paid up, without the consent of the directors. Stock personal estate.
19. It shall be lawful for the company to enforce the payment of any calls or of any unpaid part thereof, with interest upon the sum due from the time of the call, and costs, or to forfeit and sell the share whereon the same may be due, or a part thereof, for the payment of the amount due with interest and costs of sale; and in any suit it shall be sufficient to allege the defendant to be holder of one or more shares as the case may be, and to be indebted to the company in the amount in arrears thereon; and a certificate under their seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, and that the calls in question have been Enforcing payment of calls.

been made, and that the amount claimed thereon is due and unpaid, shall be received as *prima facie* evidence to that effect.

Company not
liable in
respect to
trusts.

20. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any shares, and the receipt of the shareholders in whose name the same shall stand on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Injuring
property.

21. The said company shall not be at liberty to construct any works over, or upon or otherwise interfere with or injure any private property or the property of the Crown, without first having obtained the consent of the owner or occupier thereof, or of the Crown, or upon reference to arbitration as hereinafter provided.

Acquisition of
lands.

22. The said company shall have power to acquire and enter on lands necessary for the purposes of the improvement of the navigation of the said river, and refer claims arising therefrom or from any injuries done thereto by the operations of the said company to arbitration, as provided in sections forty-one to fifty-two, both inclusive, of chapter sixty-eight of the Consolidated Statutes of Canada, save and except that said section forty-four, so far as the same forms part of this Act, shall be read as if the words following were struck out of said section forty-four, namely, "the judge of the county court of the county in Upper Canada, or of the circuit court of the circuit in Lower Canada, within which the land lies," and in stead and lieu thereof the words following inserted, namely, "the judge of the judicial district of Algoma."

Injuring the
company's
works.

23. Any injury or interference with the works of the said company or with their servants shall be punished in the manner provided in sections sixty-seven to seventy four, both inclusive, of the said chapter sixty-eight of the Consolidated Statutes of Canada.

Powers of
company.

24. The said company shall have power to take, use, enter upon and occupy any lands upon and along the said Carp River necessary to construct any dams, slides, reservoirs, cuts, or other works they may think necessary or expedient; also, to raise, strengthen, or improve any dams or other works, and generally to improve the waters of Carp River and its tributaries from Lake Superior to Loch Lomen, for the purpose of facilitating the transmission of saw logs and timber and improving and increasing the supply of water therein, with the consent of the owners or occupiers thereof, or where such consent cannot

not be obtained, then subject to the provisions as to arbitration upon the claims arising therefrom, or from injuries done thereby, as provided in section twenty-three of this Act, and generally to do all things necessary for the accomplishment of the same.

25. The Commissioner of Public Works shall have the authority to enquire into any complaint made to him, as to the user by the company of the rights conferred by this Act, and to give all such directions as may seem just, and the company shall be bound to comply with such directions, otherwise the rights conferred in the company by this Act shall cease and determine.

Powers of
Commissioner
of Public
Works.

26. The directors shall have power from time to time by law to impose a tariff of tolls, to be paid in respect of the carriage of timber, lumber, and saw-logs, over, upon or past the dams, slides or other works of the said company: Provided that the rate of such tolls and tariff shall be equal for all persons, and shall be first approved, and shall from time to time be subject to revision by the Lieutenant-Governor in Council: Provided further, that in no case shall any tolls be levied from any person, for or in respect of his using the natural and navigable channels of the said streams or waters, whether their present condition be improved or not, but that such tolls shall be payable only in respect of actually using the said dams, slides and erections of the company, for the carriage of timber, saw-logs and lumber as aforesaid: And provided further, that all persons paying the authorized tolls and tariff shall have the right to use the said erections of the company at all reasonable times, subject to the provisions of this Act.

Tolls.

27. The said directors shall have the power to keep and detain so much of the timber, saw-logs and lumber passing through, over, or upon their said works, as will be sufficient to satisfy all tolls due on all timber, saw-logs and lumber so passing through, over, or upon the said works, and within four weeks after written notice thereof is given to the owner or owners of the said timber, saw-logs and lumber, to sell, if the said tolls be not sooner paid, the same by auction, and after reimbursing themselves for all such arrearages of tolls and fines and costs, to hand the balance (if any) of the proceeds of such sale to the owner or owners of the said timber, saw-logs and lumber.

Collection of
tolls.

28. The said directors shall have power to regulate the flow of water at their said works, in such manner as shall to them seem most advisable, but not so in any wise to impair or injuriously affect any navigation above or below any of the said works.

Powers of
company to
regulate flow
of water.

29. The said sections of chapter sixty-eight of the Consolidated Statutes of Canada, as also sections sixty-one, sixty-two, sixty-five, sixty-six, seventy-four, seventy-five and seventy-nine, of the same Act, are incorporated with this Act.

Certain secs.
of C. S. C., c.
68, incorpo-
rated with this
Act.

Commissioner
of Public
Works may
assume the
works of the
company.

30. The Commissioner of Public Works shall have the authority at any time to assume the works of the said company, for the use of the Crown, upon paying such sum or sums of money for the same as may be deemed reasonable and just, subject to the rules and regulations as to arbitration, as provided in section twenty-three of this Act, in the event of the said company and the Commissioner of Public Works not agreeing as to the price.

Returns to be
made to
Lieutenant-
Governor or
Legislative
Assembly.

31. The said company shall at all times when required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditure to the said Lieutenant-Governor or Legislative Assembly requiring for such period, and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require.

Company to
have no rights
over Indian
lands.

32. Nothing in this Act contained shall be held to give any rights to the said company in or over the lands known as the Indian lands, through which the said Carp river runs.

CAP. CXIII.

An Act to incorporate "The Agricultural Emporium of Ontario."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS William Weld, of the City of London, in the County of Middlesex; John Kennedy, of the Township of London; Henry Anderson, of the Township of Westminster; James Anderson, of the same place; John Pincombe, of the same place; Abdiel G. Deadman, of the Township of Delaware; John Geary, of the City of London; William George, of the Township of Westminster; Lucian McNames, of the same place; Frederick C. Rodgers, of the Village of Delaware; Alfred Hebblethwaite, of the Township of London; Thomas W. Dyas, of the City of London, and others, have by their petition applied for an Act of incorporation to enable them to establish a model agricultural or testing farm in the Province of Ontario; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain per-
sons incorpo-
rated.

1. William Weld, John Kennedy, Henry Anderson, James Anderson, John Pincombe, Abdiel G. Deadman, John Geary, William George, Lucian McNames, Frederick C. Rogers, Alfred Hebblethwaite,

Hebblethwaite, Thomas W. Dyas, and such other person or persons, bodies corporate or politic, as shall become shareholders in the corporation hereby incorporated, are hereby constituted and declared to be a body corporate and politic by and under the name of "The Agricultural Emporium of Ontario;" and Name and seal. the said corporation shall have a corporate seal.

2. The said corporation is hereby constituted for the purpose of establishing a model agricultural or testing farm, with Object of company. power to import and export grains, seeds, roots, plants, fruit trees, shrubs, fruit, horses, cattle, sheep, pigs, poultry, agricultural and horticultural implements, manures, feed or medicine for horses and cattle; the purchasing and vending the articles aforesaid wherever raised, made, grown, or manufactured; and the purchasing and vending all other the products of the forest, farm, dairy, and garden; the manufacture of farm and garden implements, and all other machinery; to instruct and furnish information to farmers and others in agriculture; the dissemination of agricultural, mechanical, and other useful information by means of publishing an agricultural newspaper or otherwise.

3. The said corporation may purchase, acquire, lease, hold, use and enjoy for the purpose of said corporation, such stores, Corporation may hold lands. warehouses, offices and lands not exceeding one thousand acres, and make such improvements thereon and thereto as may be deemed advisable, or that may be requisite for the purposes of said corporation.

4. The capital stock of the said corporation shall be twenty-five thousand dollars in twelve hundred and fifty shares of Capital stock and shares. twenty dollars each, which stock shall be subscribed by such persons and corporations as may become shareholders in the said corporation; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and all the rest Application of capital. and residue of the said money shall be applied towards acquiring the real and personal property required in the undertaking and business of the said corporation.

5. The directors of the corporation, if they see fit at any time after the whole capital stock shall have been subscribed Increase of capital stock, and paid in, but not sooner, may make a by-law for increasing the capital stock of the corporation to any amount not exceeding one hundred thousand dollars, which they may consider requisite in order to the due carrying out of the object of the corporation; such by-law shall declare the number and amount of the shares of the new stock.

6. No by-law for increasing the capital stock of the corporation shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value to be sanctioned by shareholders.

of the shareholders at a general meeting of the corporation duly called for considering the same.

Provisional directors.

7. William Weld, John Kennedy, Henry Anderson, James Anderson, John Pincombe, Abdiel G. Deadman, John Geary, William George, Lucian McNames, Frederick C. Rogers, Alfred Hebblethwaite and Thomas W. Dyas, named in the first section of this Act, are hereby constituted the board of provisional directors of the said corporation, a majority of whom shall be a quorum; and the said provisional board of directors shall hold office as such until the first election of directors under this Act; and shall have power to open stock books and procure subscriptions of stock for the undertaking, and to receive payment of the amount of stock subscribed, and to make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the corporation.

Their powers.

First general meeting for election of directors.

8. When and so soon as the shares to the amount of fifteen thousand dollars of the capital stock of the company have been subscribed for, and twenty per centum thereon has been paid, the provisional board of directors shall call a general meeting of the shareholders of the corporation at the City of London for the election of directors of the corporation, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at or near as may be to the place of such meeting, and at the said meeting the shareholders who shall have subscribed stock in the books of the corporation, and paid twenty per centum thereon, shall elect not less than three nor more than five persons qualified as hereinafter provided, to be directors of the corporation, which persons shall constitute the board of directors of the corporation, and shall hold office until the first Monday in April next.

Who may vote at same.

Term of office of director.

Annual general meeting.

9. On the said first Monday of April in each year thereafter there shall be a general meeting held at the principal office of the said corporation or at such other place as may from time to time be appointed by by-laws of the said corporation, within the Province of Ontario, at which meeting the shareholders shall elect such number of directors, not less than three nor more than five, as may be determined on by by-law of the said corporation in the manner and qualified as hereinafter provided, and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.

Directors to be elected by ballot.

10. The election of directors shall be by ballot, each shareholder being entitled to as many votes as he, she or they have shares in the corporation; and the persons so elected if qualified as hereinafter provided shall form the board of directors of the corporation;

corporation ; but no person shall be so elected unless he is a shareholder owning stock absolutely in his own right and not in arrears in respect of any calls thereon, and may vote in person or by proxy.

Qualification
of directors.

11. If at any time an election of directors be not made or do not take effect at the proper time, the corporation shall not be held to be thereby dissolved, but such election may take place at any general meeting of the shareholders called for that purpose, and the retiring directors shall continue in office until their successors be appointed.

Failure to elect
directors,
how remedied.

12. No shareholder shall be qualified to vote at any meeting in respect of any share unless all calls made thereon at the time of such meeting shall have been paid.

Who may vote
at meetings.

13. At all meetings of the board of directors a majority of the members of the board shall form a quorum for the transaction of business, and the board may employ one or more of their number as paid directors.

Quorum of
directors.

14. The directors shall elect from amongst themselves a chairman, and the corporation shall also have such subordinate officers as the by-laws thereof require.

Chairman,
officers of the
company.

15. The subordinate officers shall be appointed by the directors and required to give such security for the faithful performance of the duties of their respective offices as may be provided by the by-laws of the corporation.

Officers to give
security.

16. The directors of the said corporation may make such by-laws as they deem proper :

By-laws.

1. For the management and disposition of the stock business of the corporation ;

2. For the appointment of officers and prescribing their duties and the duties of all artificers and servants who may be employed by and for carrying on all kinds of business within the objects and purposes of the corporation ; and

3. For the amending, altering, or repealing any by-law of the corporation.

17. A copy of any by-law of the corporation purporting to be under the hand of the chairman of the corporation or other officers and having the corporate seal of the corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all the courts of law or equity in this Province.

Evidence of
by-laws.

18. The directors of the said corporation may call in and demand from the shareholders thereof respectively all sums of money by them subscribed at such times and in such payments or instalments as may be provided in accordance with any by-law of the corporation ; payment shall be made by the shareholders

Calls on stock.

Forfeiture.

holders within sixty days after a personal demand or after notice requiring such payment has been published for six successive weeks in a newspaper published in the place where the business of the corporation is carried on as aforesaid, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon.

Payment of calls.

19. The said corporation shall have power to enforce the payment of all calls on the capital stock subscribed by action in any of the courts of law ; and in any such action it shall be competent for any of the shareholders to be examined as a witness on behalf of the plaintiff.

Stock book.

20. The directors of the corporation shall cause a book to be kept containing in alphabetical order the names of all persons who are or have been shareholders of the corporation and shewing :

1. Their places of residence ;
2. The number of shares of stock held by them respectively ;
3. The time when they respectively became the owners of the shares ; and
4. A statement of all the existing debts and liabilities of the corporation, and the amount of its stock actually paid in.

Directors,

their powers and duties.

21. The directors of the corporation shall have full power in all things to administer the affairs of the corporation, and may make, or cause to be made, for the corporation, any description of contract which the corporation may, by law, enter into ; and may, from time to time, make by-laws not contrary to law nor to this Act, for the calling of meetings, regular and special, of the board of directors and of the shareholders, the requirements as to proxies and the procedure in all things at such meetings ; and the place or places where the business of the corporation other than farming shall be carried on ; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering and conduct in all other particulars of the affairs of the corporation ; and may, from time to time, repeal, amend, and re-enact the same ; but no such by-law nor any repeal, amendments, or re-enactment thereof, except for the purpose of regulating the working of the said corporation, the appointment, functions, duties and removal of officers and servants of the corporation, the security to be given by them to the corporation, and their remuneration shall have any force or effect, until confirmed at the annual general or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat, shall be of no force or effect : Provided always, that one-fourth part in value of the shareholders of the corporation shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Confirmation of by-laws.

Proviso for calling special general meeting.

22. The stock of the corporation shall be deemed personal estate and shall be transferable in such manner only, and subject to all such conditions as by this Act, or by by-laws of the corporation, are or shall be prescribed. Stock personal property.

23. The said corporation may enforce payment of all calls and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the corporation under this Act; and a certificate under seal and purporting to be signed by the chairman or any officer of the corporation, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, her, or them, and unpaid thereon, shall be received in all courts of law or equity as *prima facie* evidence to that effect. Enforcement of payment of calls by action.

24. No shareholder being in arrear in respect of any call, shall be entitled to vote at any meeting of the said corporation. Shareholders in arrear not to vote.

25. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made by the chairman of the corporation, and countersigned by two other directors or such officers of the corporation as may be by by-law authorized to perform such or the like duties, and under the authority of a majority of a quorum of the directors shall be binding on the said corporation; and every such promissory note or bill of exchange shall be presumed to have been made by proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque; nor shall the said chairman, directors, or other officers be thereby subjected individually to any liability whatever to any third party therefor: Provided that nothing in this Act shall be construed to authorize the said corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance. Contracts by corporation.

26. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the corporation to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor until an execution against the corporation has been returned unsatisfied in whole or in part; and the amount of stock Liability of shareholders.

stock not paid up with costs shall be the sum recoverable against such shareholder.

Liability of
shareholders
limited.

27. The shareholders of the said corporation shall not as such be held responsible for any act, default, or liability whatsoever of the corporation, or for any engagement, claim, payment, loan, injury, transaction, matter or thing whatsoever, relating to or connected with the said corporation, beyond the amount of their respective shares in the capital stock thereof.

Liability of
shareholders.

28. The shareholders of the corporation shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants, and employees thereof for services performed for such corporation; but no shareholder shall be personally liable in the foregoing or any other of the cases in which personal liability is imposed by this Act for the payment of any debt contracted by the corporation, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the corporation within one year after the debt became due; and no suit shall be brought against any shareholder for any debt so contracted, unless the same be commenced within one year from the time he ceased to be a shareholder in the said corporation, nor until an execution against the corporation has been returned unsatisfied in whole or in part.

Power to bor-
row money.

29. The directors of the corporation are hereby authorized and empowered from time to time to borrow for the purposes of the corporation any sum of money, and for the repayment of the money borrowed and the payment of the interest thereon, to mortgage the real or personal estate or both of said corporation: Provided always, that the consent of two-thirds in value of the shareholders of the corporation shall be first had and obtained at a special meeting to be called and held for that purpose: Provided also, that the said corporation shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Proviso.

Proviso.

Municipal
corporations
may take
stock.

30. Any municipal corporation may take and subscribe for stock in the said corporation.

Municipal cor-
poration may
exempt prop-
erty of cor-
poration from
taxes.

31. The municipal corporation in which the said corporation shall establish their model farm, may in their discretion exempt the lands and personal property connected therewith from the payment of all taxes and municipal rates so long as the said land shall be used as such model farm.

CAP. CXIV.

An Act to incorporate "The Toronto Gravel Road and Concrete Company."

[Assented to 29th March, 1873.]

WHEREAS certain persons have, by their petition, prayed Preamble.
 that they may be incorporated under the title of "The Toronto Gravel Road and Concrete Company," for the purpose of making and maintaining gravel roads or gravel and cedar roads, and doing all things necessary and incidental thereto; and of excavating, hauling and selling gravel for building or other purposes; and for making, selling and using material known as concrete in the erection of houses and buildings; and to enable the said company to acquire, hold and convey lands; with powers to construct and maintain buildings, machinery and plant on the Kingston Road, in the neighbourhood of Toronto, and for all corporate powers necessary to the carrying out of their objects: And whereas, it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable George William Allan, John Fiskin, Incorporation.
 Clarke Gamble, Benjamin Morton, Edmund Boyd Osler, John William Gamble Whitney, James Lamond Smith, George D'Arcy Boulton, William Hamilton Ponton, Alexander Smith, and Henry Rutherford Morton, with all other such persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic, by the Corporate name.
 name of "The Toronto Gravel Road and Concrete Company."

2. The company shall have power to make, build, or construct Power to construct roads.
 gravel roads, or concrete roads, or roads composed of any combination of gravel and other substances or materials whatsoever; and to maintain and keep such roads in repair.

3. The company shall have power to excavate, haul, and sell To deal with gravel, sand, cement, etc.
 gravel and sand for building or other purposes, and to make and sell a composition called "cement" or "concrete" or any combination of gravel or other substances or materials used in the construction of houses, walls, bridges and sewers.

4. The company shall have power to acquire and hold by To acquire and dispose of lands.
 lease, purchase, or otherwise, lands and premises for the purpose of constructing, erecting, building, and maintaining thereon houses or other buildings of concrete and other materials as may be found necessary or desirable; and to lease, sell, convey and

and dispose of the same in such manner, and on such terms as may be agreed upon by the company; provided that such lands shall not at any one time exceed in value one hundred thousand dollars.

Capital stock.

5. The capital stock of the company shall be one hundred thousand dollars, divided into shares of one thousand dollars each.

Head office.

6. The head office of the company shall be in the City of Toronto.

24 V., c. 18, incorporated with this Act.

7. The provisions of "The Joint Stock Companies' General Clauses Consolidation Act" shall extend and apply to the company hereby incorporated, so far as the same are not inconsistent with this Act.

First directors.

8. The first directors under this Act shall be the Honourable George William Allan, John Fiskin, Clarke Gamble, Benjamin Morton, James Lamond Smith, John William Gamble Whitney, and Edmund Boyd Osler.

Commencement of operations.

9. The company shall not commence business operations under this Act until at least fifty thousand dollars of their capital stock shall have been subscribed, and ten per centum paid in: Provided always, that unless operations be commenced under this Act within two years from the passing thereof, and continue *bona fide*, this Act of incorporation shall be null and void.

Winding up the company.

10. If at any time the directors consider it expedient to cease carrying on the business of the company, and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the stockholders: Provided, that the consent of the majority of the stockholders present at any meeting called for such purpose be obtained thereto.

Liability of shareholders.

11. The shareholders of the company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and employees thereof, for services performed for such company, but no shareholder in any such company shall be personally liable in the foregoing or in any other of the cases in which personal liability is imposed by this Act for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due, and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until

until an execution against the company has been returned unsatisfied in whole or in part.

12. The company shall have power to amalgamate with "The Toronto Housebuilding Association," on such terms and conditions as may be mutually agreed upon: Provided, that the consent of a majority of the stockholders present at any meeting called for such purpose be obtained thereto.

Power to unite
with Toronto
Housebuilding
Association.

CAP. CXV.

An Act to Incorporate "The London and Petrolia Oil Pipe Company."

[Assented to 29th March, 1873.]

WHEREAS John H. Stratford, Joseph Stratford, William Preamble.

Duffield, Isaac Waterman and Donald Nicholson have represented by their petition, that the production of refined oil could be much cheapened by reason of the saving which would be effected in the cost of transportation of the crude oil from the places of its production, in or about Petrolia, in the County of Lambton, to the refining establishments in or near the City of London, in the County of Middlesex, by means of a pipe, and have asked to be incorporated for the purpose aforesaid; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said John H. Stratford, Joseph Stratford, William Duffield, Isaac Waterman and Donald Nicholson, together with all such other persons as shall become shareholders in the company hereby incorporated, are hereby constituted and made a body corporate and politic by the name of "The London and Petrolia Oil Pipe Company," whose head office shall be at the City of London, in the County of Middlesex, or such other place as the directors of the said company shall from time to time in that behalf by resolution or by-law name and appoint.

Incorporation.
Corporate
name.

Head office.

2. The said company is hereby empowered to lay down at a depth beneath the general surface of the ground of not less than three feet a connected, and thereby a continuous, pipe or pipes in such sections as shall seem expedient in as near as may be, and as the surface of the country will reasonably admit of or by deviations therefrom as circumstances shall make expedient between points at or near Petrolia, in the County of Lambton, and at or near the City of London, in the County of Middlesex, for the purpose of carrying along the said pipe or pipes, the crude oil and distillate oil of petroleum from the place or places

Powers of
company.

places of its production aforesaid to the City of London aforesaid, with such branches or subsidiary pipes diverging from the points aforesaid, as shall be deemed expedient for collecting together at the places of its production the said crude oil, and distillate oil of petroleum, and for distributing the same to the several refineries at or near the City of London aforesaid, and the said company is further empowered to erect, maintain, operate, and carry on all such tanks, reservoirs, engines, machinery, houses and erections, and all other matters and things whatsoever, necessary or expedient for the said undertaking.

Powers of
company to
acquire lands.

3. The said company is empowered to purchase, take and hold, besides personal property, lands, tenements, hereditaments and real property requisite and necessary for the purposes aforesaid, and proper and convenient for the construction, maintenance, use and working of the same ; and such lands, tenements, hereditaments and real property, or any of them or any part thereof, to sell, alienate and convey, and others in their stead if deemed advisable to purchase, take and hold from time to time for the purposes and uses aforesaid : Provided always, that such lands, tenements, hereditaments and real property shall not at any one time exceed fifty thousand dollars in value, and shall at all times be held exclusively for the construction, maintaining, operating and carrying on the works and other the premises aforesaid, and for the purposes, uses and business operations of the said company, and in and towards the accomplishment of the same, and effecting the objects for which the said company is incorporated and not otherwise.

Proviso.

Capital.

4. The capital of the said company shall be five hundred thousand dollars, to be divided into five hundred shares of one thousand dollars each, and the shares of the said capital stock after the first instalments thereon shall have been paid, shall be transferable by the respective persons subscribing or holding the same, and all transfers thereof shall be registered in a book or books to be kept for that purpose by the said company : and for the purpose of organizing the said company, the persons named in the first section of this Act shall be provisional directors thereof, and they or a majority of them may cause stock books to be opened in which shall be recorded the names of the shareholders, with the number of shares subscribed by them respectively.

Provisional
directors.

Election of
president and
directors.

5. When and so soon as two hundred and fifty thousand dollars of the capital stock shall have been subscribed, and the first instalment of ten per centum thereon paid into some chartered bank in Ontario to the credit of the company, it shall be lawful for the provisional directors, or any of them, to call a meeting of the shareholders by notice therefor, to be inserted at least ten days previously in one of the daily newspapers printed respectively in the Cities of London and Toronto, and in the Town of Brantford, naming the day, hour, and place of such

such meeting in the Town of Brantford, or in the City of London, and the shareholders present at such meeting in person or by proxy, who shall have paid the first instalment of ten per centum on the shares held by them respectively, shall elect five directors of the said company, who shall be shareholders qualified as aforesaid, and the said directors elected as aforesaid may then forthwith or at any subsequent meeting of themselves, elect among their own number a president; and such president and directors shall hold office until the first Monday in February then next following.

6. On the said first Monday in February, and on every first Monday in every succeeding February, a general meeting of the shareholders shall be called and held at the head office of said company, or in such other place as the president or directors shall name, and at such hour as shall be mentioned in the notice in that behalf; at which the shareholders present in person or by proxy shall elect from among themselves five directors in the room of the directors for the then past year, who may proceed to the election of president in manner aforesaid.

Annual election of directors.

7. In the election of directors and in the transaction of business by the shareholders, each shareholder shall be entitled to as many votes as he holds shares not in default.

Scale of votes.

8. Any three of the directors shall constitute a quorum for the transaction of business; and the president, and in his absence a chairman to be appointed by the directors then present, shall preside at the meetings of the directors, and in case of a tie, shall in addition to his vote as a director, have the casting vote.

Quorum of directors.
Vote of president.

9. In case it should at any time happen that an election of directors should not be made on any day when, pursuant to this Act, it should have been made, the said company shall not for this cause be deemed to be dissolved, but it shall be lawful on any other day to hold a meeting of shareholders, and make an election of directors in such manner as may be regulated, directed and appointed by the directors for the time being, and the directors in office shall continue to hold office until a new election of directors is made.

Provision in case election is not held on the proper day.

10. In case any vacancy shall occur amongst the directors, by death, resignation, disqualification, or removal during the current year of office from this Province, such vacancy shall be filled for the remainder of the year by the remaining directors or a majority of them, electing in such place or places an eligible shareholder or shareholders.

Vacancies in the board how filled.

11. The directors shall have power and authority to appoint a manager, secretary and treasurer, and such clerks and other persons as may appear to them necessary for carrying on the business

Appointment of officers.

Borrowing
powers.

business of the company, with such powers and duties, salaries and allowances to each, as to the directors may seem advisable and also, shall have power and authority for the purposes and uses of the company, from time to time, to borrow money in one or more or several sums, from one or more or several persons, bodies corporate or politic, willing to lend or advance the same ; and may mortgage, pledge, assign, or hypothecate the property, real and personal, works, rates, revenues, income, rents, and future calls or any of them, for the money so to be borrowed and the interest thereon ; and may issue scrip or debentures in the name of the company, for sums not less than one hundred dollars each ; and the same shall be transferable by delivery merely, and shall with the interest payable thereon, if so stipulated in the said scrip or debentures, form a charge on the property and income of the company : Provided always, that the aggregate amount to be borrowed by the company under the foregoing provisions and then outstanding, shall not at any one time be in excess of the amount actually paid up on the capital stock and laid out and expended in the construction of the works of the company ; and provided also that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank : Provided also, that the sanction of a general meeting of the shareholders, at which two-thirds are present in person or by proxy, shall first be given before the directors shall exercise the power of borrowing moneys as herein provided.

Proviso.

Powers of the
directors to
make by-laws.

12. The directors shall have power and authority to make and from time to time alter such by-laws, rules and regulations to be binding upon the shareholders of the said company as shall appear to them proper and needful, touching the well ordering of the company, and the management and disposition of its stock, property, estate and effects ; the calling of special meetings or general meetings of the shareholders ; the regulation of the meetings of directors, and all other matters connected with the proper organization of the company, and the conduct and management of the affairs thereof ; the making of calls upon the subscribed capital stock at such days, times and places, and upon such notice as to them shall seem meet and advisable ; the forfeiture of shares upon which any instalment or instalments, call or calls remain unpaid after the days and times respectively appointed for payment thereof have elapsed ; the appointment and removal of officers and other persons employed by or for the company ; the regulation of the transfer of shares and the form thereof, and the empowering of the president or other officer or officers to make contracts on behalf of the company, and to affix (if need be) the common seal of the company to such contracts : Provided always, that all such by-laws, rules and regulations made by the directors, as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved of by a resolution duly passed at such meeting, and when so approved they shall

Proviso.

shall

shall thereafter have force and effect as approved or as modified at such meeting, until repealed or amended in manner aforesaid : And provided further, that such by-laws, rules and regulations shall neither contravene the provisions of this Act, nor be inconsistent with the laws of this Province. Proviso.

13. The directors shall also have power and authority to declare such yearly dividend upon the capital stock of the company as they may deem expedient, out of the net profits arising from the undertaking. Dividends.

14. The company, its servants, agents and workmen may, after ten days' notice to the warden of any county, or to the mayor of any town or city, or to the reeve of any village or township through or along or across any of the public highways, streets, or allowances for roads of which it proposes to run or lay the pipes or any of them by this Act authorized to be run or laid, of its intention so to run or lay the said pipes, specifying the particular highway, street or road, with respect to which the powers of this Act in that behalf are to be exercised, and the mode and manner of executing the same, which must be reasonable and in no way substantially interfering with the public use of the said highways, streets and roads, enter upon any of the said highways, streets and roads, and do all things necessary thereto, and lay down the said pipes and from time to time to renew, repair, amend, maintain and keep the same in a proper state and condition : Provided always, that in the exercise of the powers by this section granted, the company shall in no case interfere with the public use of any such highways, streets or roads, and shall be liable in damages to any individual who shall sustain any special injury in this behalf by reason of the default or negligence of the company in the premises. Power of company as to roads.
Proviso.

15. The company shall have power and authority by its servants, agents and workmen to enter upon any lands of any person or persons, bodies politic or corporate, and survey and ascertain such portions thereof as it shall require for the purposes of the said undertaking, or such powers as it will require to exercise upon or in respect of the same lands for the purposes aforesaid, doing no actual or substantial damage, and when surveyed or ascertained, to contract and agree with the owners and occupiers of such lands for the purchase thereof, or for the exercise of such powers in respect of the same ; and in case of disagreement in respect of the sum to be paid for the said lands or for the exercise of such powers in respect of the same, as the case may be, the company shall serve upon the owner of or party interested in the said lands a notice in writing signed by its secretary, specifying the particular lands proposed to be appropriated, or the powers proposed to be exercised in respect of any lands, particularly specifying both powers and lands, and naming a sum of money which the company offers Power to acquire lands.

Disputes to be referred to arbitration.

Proviso.

offers and is ready to pay as compensation for the lands, or for exercising such powers in respect of the same, as the case may be, and naming a person as arbitrator, in case the sum offered is not accepted as compensation, as aforesaid; and thereupon the owner or party interested shall, within five days after being served with such notice, notify the company that he accepts the compensation offered (in which case he shall make a deed of conveyance to the company of the lands, or of the right to exercise the powers in respect of lands mentioned in the notice) or that he refuses the compensation offered, and that he has named an arbitrator, giving the name; and the two arbitrators so named shall within five days meet and name a third arbitrator; and the arbitrators so appointed shall within ten days inspect and take evidence, if offered, on the subject matter in controversy, and make their award in writing thereon, which being signed by two of the said arbitrators, shall be final and binding on the parties to the said reference, subject however to be set aside or sent back for amendment, as in the case of ordinary arbitrations: Provided always, if the said owner or party interested should not name an arbitrator as required by the provisions of this section, or should the said two arbitrators not agree upon a third arbitrator, or should the said three arbitrators or a majority of them not make their award according to and as required by the provisions in this section in that behalf, then in any of such cases or events it shall be lawful for the company, on two days' notice to the said owner or party interested, to apply to the judge of the county court in which the subject matter in controversy is situate, who shall thereupon appoint one person as sole arbitrator, whose award of and concerning the premises shall be final and conclusive, subject, however, to be set aside or remitted back to the said arbitrator to be amended, as in ordinary cases of arbitration.

After award, the company may take possession of land.

16. After award made as in the last preceding section provided, and after tender by the company of the amount awarded, if any, and a deed of conveyance of the lands, or of the powers to be exercised in respect of lands, as the case may be, it shall be lawful for the company to take possession of the said lands, or to exercise the powers in respect of the said lands, as the case may be, the same as though a conveyance had been executed: And the company may register the said award in the registry office of the registration division in which the said lands are situate, and pay the amount awarded into one of the superior courts and file therein a copy of the said award, which shall operate as a conveyance to the company of the lands, or the right to exercise the power in respect of lands.

Costs of the arbitration.

17. In all cases of arbitration, if the sum awarded exceeds the amount offered by the company in the notice in the fifteenth section of this Act mentioned, the company shall pay the costs of the arbitration and award; if equal to or less than the amount awarded the owner or occupier shall pay the costs of the arbitration

tration and award ; and in either case the costs shall on notice be taxed by the judge of the county court of the county in which the lands or subject matter of the reference are or is situate.

18. If any action or suit brought against the company, or against any person acting under its authority, for anything done or omitted to be done under or under colour of this Act, such action or suit shall be commenced within six months after the cause of action or suit arose, and not afterwards, and the defendant may plead the general issue and give this Act and the special matter in evidence under the said plea.

Limitation of
actions against
the company.

CAP. CXVI.

An Act to incorporate "The Lyn General Manufacturing Company."

[Assented to 29th March, 1873.]

WHEREAS Robert Cassels, of the City of Quebec, in the Province of Quebec, Esquire ; F. Wolferstan Thomas, of the City of Montreal, in the said Province of Quebec, Esquire ; Gilbert Scott, of the said City of Montreal, Esquire ; Henry McKay, of the said City of Montreal, Esquire, George W. Hamilton, of the said City of Montreal, Esquire, and James W. B. Rivers, of the Town of Brockville, in the Province of Ontario, Esquire, have by their petition represented that they, with others associated with them, are desirous of engaging in the business of manufacturing tanned leather, boots and shoes, lumber and flour, and other useful and necessary articles, at Lyn, in the County of Leeds, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for the passing of an Act to that end ; And whereas it is expedient to grant such prayer :

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said Robert Cassels, F. Wolferstan Thomas, Gilbert Scott, Henry McKay, George W. Hamilton, and James W. B. Rivers, together with such other persons as now are or hereafter shall become shareholders in the company hereby constituted, shall be and they are hereby constituted a body politic and corporate, by the name, style, and title of "The Lyn General Manufacturing Company ;" and by that name shall and may sue and be sued, and shall have perpetual succession and a common seal, with power to break and alter such seal, and with all the rights conferred on corporations by the Interpretation Act

Incorporation.

Corporate
name.

2. The company may carry on the business of grist **milling**, **tanning**, **the company.**

Business of
the company.

tanning leather, manufacturing boots and shoes, lumber, and other useful and necessary articles, in hemp, flax, cotton, wool, linen, iron, steel, wood, or paper, and may do all things necessary or convenient thereto.

Corporation
may acquire
real estate.

3. The company may, by any legal title, acquire, lease, purchase, and hold any lands or water powers necessary and requisite for the carrying on of such business, and construct and maintain such buildings, machinery, and other improvements thereon as the company may deem necessary or for their advantage; and they may also acquire and hold any other real estate which shall fairly come into their hands in the course of their said business, or in payment of or for securing payment of any debt due to them in the course of such business; and may purchase and temporarily hold until they can conveniently dispose thereof any lands or real property which, having been mortgaged or pledged to them for securing debts to them actually incurred in the course of their said business, may, by reason of such pledge or mortgage, become their property, or shall be purchased by them at any sale thereof, in execution of any order or judgment of a competent court in their favour; and they may let, sell, exchange, and dispose of any property, real or personal, which they may lawfully purchase or otherwise acquire in such manner as the said company may deem expedient: Provided that as to all real estate acquired in the payment of, or for receiving payment of, any debt as aforesaid (except such as may be necessary for their business), it shall be incumbent upon them to sell the same within five years after the same shall have been so acquired.

Capital and
shares.

4. The capital stock of the said company shall be two hundred thousand dollars, with power to increase the same to a sum not exceeding five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Commence-
ment of oper-
ations.

5. The company may commence operations and exercise the powers hereby granted so soon as one hundred thousand dollars of the capital stock shall be subscribed and ten per centum thereon paid up.

Directors,

their election.

6. The affairs of the company shall be under the control of and shall be managed and conducted by a board, to consist of not less than three nor more than seven directors, three of whom shall form a quorum; the directors to be elected under the provisions of this Act shall each be a stockholder of the company to an amount not less than one thousand dollars, and shall be elected on the first Tuesday in February of every year after that in which the company first goes into operation, at the office of the company, in the Village of Lyn, or in the City of Montreal, as may be established by any by-law of the company; and all such elections shall be by ballot, by plural-
ity

ity of the votes of the stockholders present, or by proxy, such proxies being shareholders.

7. At all meetings of the company every shareholder pre- Scale of votes.
sent in person or by proxy, not being in arrears in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company, and which shares shall have been held in his name at least one month prior to the time of voting.

8. The said Robert Cassels, F. Wolferstan Thomas, Gilbert Provisional
Scott, Henry McKay, George W. Hamilton, and James W. B. directors.
Rivers, shall be the first directors of the said company, and shall severally hold their offices until the first election of directors, as provided in the sixth section of this Act; and for the purposes of such election the directors herein named may, subject to the provisions of the said sixth section, appoint any time and place in the City of Montreal or in the Village of Lyn when such election may be held, by giving ten days' previous notice, to be published in one or more of the daily papers in the City of Montreal, or in one or more of the weekly papers in the Town of Brockville or the Village of Lyn, at least three several times, or by notice mailed to the address of shareholders at least ten days before the day of such meeting.

9. The directors herein named, as well as those hereafter to President,
be elected, shall, as soon as may be, elect one of their number to be president; the elected directors shall continue in office one year or until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of pre- Vacancies,
sident or director the remaining directors shall fill up such vacancy for the remainder of the year; the president shall have a vote as director at all meetings of the board, and in case of a tie, shall have the casting vote likewise; but no director shall vote by proxy.

10. If the election of directors be not made on the day ap- Failure of
pointed by this Act the company shall not for that reason be election.
dissolved; but the stockholders may hold the election on any other day in the manner provided for by any by-law previously passed, either by the directors or stockholders, for that purpose; and the directors then in office shall continue in office, and exercise all the powers of directors until their successors shall be elected.

11. The capital stock shall be paid for by the subscribers Calls,
therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day upon the amount due and unpaid, and in case any instalment or instalments shall not be paid as required by the directors, with the interest
thereon,
oo

Notice.

Forfeiture of stock.

thereon, after such demand or notice within sixty days from the day required, the directors may, by vote, reciting the facts, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the directors may deem fit and expedient; but no call shall exceed ten per centum, and no instalment shall become due and payable until after thirty days' notice shall be given in some newspaper printed and published in the City of Montreal, or in the Town of Brockville, or in the Village of Lyn, or by notice mailed to the address of each shareholder; and if any stockholder shall, after such notice, refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may in the option of the directors become forfeited, together with the amounts paid thereon, and such forfeited shares or share may be disposed of as the directors may think fit, in any manner whatsoever, or the same may become invested in and for the benefit of the company, as the directors may determine, or the party holding such share or shares may be sued for the amount due, with interest from the time the same became due until payment.

Register to be kept.

12. A register shall be kept in the company's office, and shall indicate clearly the name of every stockholder, and the amount of stock for which he is responsible, and the amount paid in by such stockholder, as well as all transfers that may have been allowed and made in stock.

Certificates of stock.

Stock to be personalty, and how transferable.

13. Upon any stock being subscribed for, and ten per centum paid thereon, a certificate shall be issued to the subscriber exhibiting the amount subscribed for, and the amount paid on it; and such stock of the said company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the corporation; but no share shall be transferable until all previous calls thereon have been fully paid and satisfied, or the said share shall have been declared forfeited for non-payment of the calls thereon; and the consent in writing of the majority of the directors shall be in all cases necessary to render valid the transfer of any share or shares made before the calls thereon have been paid up in full.

Payment of stock.

Company may acquire lands, machinery, &c., and pay for same in stock.

14. Any stockholder at the time of subscribing for a share or shares in the company, or after becoming a stockholder before the whole of the capital stock has been called up, may, with the consent in writing of the majority of the directors, be allowed to pay up in full his share or shares in the company; and any stock paid in part or in full, which may have been taken by parties conveying lands, machinery, water-powers, personal property, bills, debts or other securities to the company, in part payment or in full for such lands, machinery, water-powers, personal property, bills, debts, or other securities,

ties, shall be held to have been so paid in cash, for the purposes of the fifth section of this Act.

15. The president and directors of the said company shall have power and authority to make, accept, draw and endorse, in the corporate name of the company, bills of exchange and promissory notes for the ordinary purposes of their business; and may sell and dispose of all articles produced in carrying out the purposes mentioned in the preamble and second section of this Act, and any other articles acquired in exchange therefor, or used or acquired for carrying on the business, and no longer required by them; and they may become parties to promissory notes and bills of exchange received from or granted by parties doing business with the company, without its being necessary that their corporate seal should be thereunto affixed; and no officer of the company signing the same or affixing the corporate seal, in accordance with the by-laws of the company, shall thereby incur any personal liability; and the company shall have power to do all things requisite to the lawful carrying on of the business thereof: *Provided* always, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange, payable to bearer, intended to be circulated as money, or as the notes or bills of a bank.

bills of exchange and promissory notes.

Provido.

16. The directors of the company shall have power and authority to make, amend, repeal, and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well-ordering of the company; the number of its directors, their qualification, and a quorum thereof; the making of calls, and the recovery of money due for the same; the acquisition, arrangement and disposition of its stock, property and effects, and of its affairs and business; the entering into arrangements and contracts with municipalities or other corporations or individuals; and the signing and execution of notes, bills, and instruments not requiring the corporate seal of the company, and the affixing of such seal to those which may require it; the declaration and payment of dividends; the form and issuing of stock certificates, transfers, and registrations; the allotment and forfeiture of stock; the calling general and special meetings of the company; the form of proxies for voting at meetings of the company; the appointment, removal, and remuneration of all officers, agents, clerks, workmen, and servants of the company; and generally to do all things that may be necessary to carry out the objects and exercise the powers incident to the company.

Directors may make by-laws, &c.

17. Any copy of any by-law or by-laws of the company purporting to be signed and certified as a true copy thereof by the president or one of the directors of the company, and under the seal of the company, shall be *prima facie* evidence of such by-law or by-laws; and in any action to recover any call on the stock of the company, it shall be sufficient to allege and

Proof of by-laws.

prove

prove that the call was made in the manner provided by the by-laws of the company, that the defendant is the owner of one or more shares on which the call was made, and that the amount sued for is due to the company accordingly; and it shall not be necessary to allege or prove any other matter or thing whatsoever.

Increase of
capital stock.

18. The capital stock of the company may from time to time be increased, as the wants of the company may require, by a vote of the shareholders, holding not less than two-thirds of the stock of the company, either in person or by proxy, at a meeting of the company called for the purpose, to an amount not exceeding five hundred thousand dollars in the whole; such stock to be paid for and issued as herein provided for the original stock.

Power to bor-
row.

19. It shall be lawful for the said company from time to time to borrow from such persons, including stockholders, all such sum or sums of money as they may find expedient, not exceeding the amount of the paid up capital, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed, payable with interest, and at such place or places as they shall deem advisable.

Company not
required to see
to the execu-
tion of trusts.

20. The company shall not be bound to see to the execution of any trust, whether express or implied or constructive, in respect to any share or shares; and the receipt of the person in whose name the same shall stand on the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share or shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of
shareholders
limited.

21. The shareholders of the company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount of calls, if any, remaining unpaid on their shares in the stock thereof. The shareholders of the company shall be jointly and severally liable for all debts that may be due and owing to any of the labourers, servants and employees thereof, for services performed for such company.

Proviso as to
debts for la-
bour.

Liability to
action.

22. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Preliminary
expenses.

23. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company.

CAP. CXVII.

An Act to incorporate "The Fire Extinguisher Manufacturing Company."

[Assented to 29th March, 1873.]

WHEREAS one Thomas Henry Ince obtained letters patent under the Great Seal of the Dominion of Canada, bearing date the eighteenth day of January, A.D. 1868, whereby was granted to him, his lawful representatives and assigns, certain exclusive rights and privileges for the term therein specified, in respect to a certain portable machine for extinguishing fires, called "L'Extincteur;" And whereas, by agreement bearing date the eighteenth day of January, A.D. 1872, the said Thomas Henry Ince did assign to one William Morrison, his executors, administrators and assigns, the said exclusive rights and privileges granted by the said letters patent, subject to a royalty or payment of two dollars for each machine sold or used, to be paid to the said Thomas Henry Ince, his executors, administrators or assigns; And whereas, the said William Morrison, by agreement bearing date the sixteenth day of November, A.D. 1872, assigned one-half of his interest in the said letters patent, and the exclusive rights and privileges secured thereby as aforesaid, to the Honourable John McMurrich, John Fiske, A. M. Smith, George Booth, Bernard Haldan and Robert Beatty, he the said William Morrison retaining the other half interest therein; And whereas, the said parties have mutually agreed among themselves and with each other to form themselves into a company for the purpose of manufacturing, selling and buying said portable machines for extinguishing fires, in the manner and after the plan contemplated by the said letters patent, and of working the same, and of extinguishing fires thereby, and of manufacturing and selling the chemicals or materials used in connection therewith, and of vending to others to be used the said invention and the said patent rights or rights to manufacture, sell or use the said machine either in part or in whole, or for a part of the territory covered by the said patent, or for the whole of it, and of working thereunder as may appear to be desirable and advantageous, or for acquiring any invention or machine or patent rights or other rights connected with extinguishing fires, and to sell the same or any part thereof, or to manufacture, sell or use the same as may be most desirable and advantageous; And whereas, for that purpose they have agreed to subscribe, and have subscribed among themselves, the sum of ten thousand dollars, being four hundred shares of the capital stock of the company, which shall not be liable to any call, but shall be deemed to be fully paid up shares, the same being taken and accepted by the said parties as payment of the sum of ten thousand dollars, agreed to be paid to them for the assignment by them to the said company of all the said exclusive rights and privileges

privileges owned by them respectively under the said patent ; And whereas, the said parties have by their petition prayed that they may be incorporated for the purposes aforesaid and hereinafter contained, and it is expedient that such prayer be granted :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. That Honourable John McMurrich, John Fiske, A. M. Smith, George Booth, Robert Beaty, William Morrison and Samuel Davison, with all such other persons as shall under the provisions of this Act become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate by the name of "The Fire Extinguisher Manufacturing Company," and as such company may sue and be sued in their corporate name.

Corporate name.

Powers of the company.

2. The said company may purchase or acquire and become possessed of, and may hold and enjoy to their own use and benefit the exclusive rights and privileges granted by the said letters patent, and all other the rights and privileges in such recitals set forth, and any interest connected therewith ; and shall and may during the unexpired period of such letters patent, and any extension or improvement thereof which is or may hereafter be made or granted, make and construct and sell and buy the said portable machines or fire extinguishers under the said patent and as contemplated therein ; and prepare and buy and sell the chemicals or materials used in connection therewith ; and may sell and license to others to be used the said invention and the said patent rights either in whole or in part, and either for the whole territory included therein or any part thereof ; and may work thereunder as may appear desirable or advantageous ; and shall and may acquire and hold, use and enjoy any other patent or rights for the construction or use, selling and buying of machines or material for the extinguishing of fires ; and for the selling such rights or licensing others to make, sell, or use the same, as may be deemed most desirable or advantageous ; and may acquire and hold by purchase or otherwise in fee simple or any less estate, such lands and tenements as may be required for actual use and occupation, and for the purposes of the said company ; and may construct, erect, maintain and keep such buildings, erections and other improvements thereon, and from time to time sell and dispose of the same and acquire others in their stead as the company shall find to be for its advantage or convenient or necessary for the purpose of constructing, making and trading in the several machines, articles and material hereinbefore referred to ; and may appoint or contract with agents, managers, employees or others to make, keep or sell the said machines, articles or material for the use and benefit of the said company whenever and when and as often as they may see fit : Provided that this Act shall not confer any
oth

other or greater rights or privileges than are conferred by the said letters patent herein recited under the general patent law of the Dominion of Canada.

3. The capital stock of the said company shall be the sum of ^{Capital stock, etc.} fifty thousand dollars, divided into two thousand shares of twenty-five dollars each, with power to the directors of the said company, if they see fit at any time after the whole of the said original stock shall have been allotted, and so from time to time after all the previously authorized capital stock shall have been allotted, to make a by-law, and from time to time by-laws, for increasing the capital stock of the company to an amount not exceeding one hundred thousand dollars; but no such by-law shall have any force or effect whatever until after it shall have been sanctioned by a vote representing not less than two-thirds the amount held by all the shareholders attending in person or by proxy at an annual general meeting of the company, or at a general meeting of the company called for the purpose of considering such by-law.

4. Every by-law for increasing the capital stock of the company shall declare the number and value of the shares of the new stock, and shall prescribe the manner in which the same shall be allotted and paid in, or in default thereof the control of such allotment shall be held to vest absolutely in the directors of the company, who may allot such stock in such amounts, to such persons, and in such manner, and from time to time make such calls upon such stock as to the said directors shall seem fit. ^{By-laws for increasing stock, etc.}

5. The stock of the company shall be deemed personal estate; and shall be transferable in such manner only, and subject to all such conditions and restrictions as by the by-laws of the company shall be prescribed. ^{Transfer of stock, etc.}

6. The directors of the company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed, at such times and places and in such payments or instalments as the by-laws of the company require or allow; and interest at the rate of six per centum per annum shall accrue and fall due upon the amount of any unpaid call from the day appointed for the payment of such calls. ^{Calls upon stock.}

7. The company may enforce payment of all calls and interest thereon by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the instalments or calls in arrear amount in respect of the said instalments, or one call or more upon one share or more, stating the amount and number of such instalment or instalments, and the number of calls and the amount ^{Enforcing payment of calls.}

amount of each whereby an action hath accrued to the company to recover the amount of the instalments or calls sued for, with interest; and a certificate under the seal of the company, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, and that an amount named in such certificate is due by him and unpaid thereon, shall be received in all courts of law or equity as *prima facie* evidence to that effect.

Non-payment
and forfeiture
of stock.

8. If after such demand or notice as by the by-laws of the company may be prescribed any instalment or call payable under this Act, or any call hereafter to be made, or any share or shares be not paid within the time prescribed by this Act for the payment thereof, or such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect reciting the facts and duly recorded in the minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by any by-law in that behalf may be provided, or in the absence of such by-law as the directors shall think fit and direct.

Voting.

9. Shareholders shall be entitled to one vote for each share held by each; but no shareholder being in arrear in respect of any instalment or call shall be entitled to vote at any meeting of the company, or be eligible for election as a director thereof, or to transfer his shares until all arrears are paid.

Execution
of trusts.

10. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand, or of his legal personal representatives, in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of
shareholders.

11. Each shareholder until the whole amount of his stock has been paid up shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholders, but such shareholders shall not individually be responsible for any act, default or liability whatever of the company, or of the directors, or of any officer thereof, or for any engagements, claim, payments, loss, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

12. The shareholders in this company shall be, jointly and severally, individually liable for all debts due and owing to any of the labourers and servants thereof, for services performed for such company; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Liability of shareholders.

Commencement of suits against shareholders.

13. Subject to such alterations and provisions as shall or may be made by any by-law of the company at any time hereafter to be passed, the affairs of the company shall be administered by a board of not less than three nor more than seven directors, being severally the holders of not less than twenty shares in the capital stock of the company.

Directors.

14. The directors shall be elected annually upon the first Wednesday in May in each year, or on such other day as shall be appointed by by-law for holding the annual general meetings of the company, and at such place as the by-laws may direct, or on such other day or at such other place to which such annual meeting may be adjourned, not exceeding one month from the day so fixed: and such directors may elect from among themselves a president and vice-president as they may see fit.

Election of directors.

15. For the transaction of all business of the company three directors shall form a quorum of the board of directors, and in case of a vacancy by death, resignation, or disqualification from any cause of any director of the board, the remaining directors may fill the vacancy until the next election of directors by the election of any qualified shareholder thereto: Provided always, that the failure to elect directors or a director, or any failure of directors in their duties, shall not dissolve the corporation.

Number of directors to form quorum, etc.

16. The directors of the company shall have full power in all things to administer the affairs of the company, and transact the business of the company; and to make or cause to be made for the company any purchase and any description of contract not prohibited by law, or contrary to the provisions of this Act; and may from time to time make by-laws or resolutions not contrary to law, nor repugnant to nor inconsistent with anything in this Act contained; to regulate the allotment of stock; the transfer thereof; the making of calls thereon; the payment thereof; the issue and registration of stock; the forfeiture of stock; the disposal of forfeited stock and of the proceeds

Powers of directors.

proceeds thereof; the declaration of dividends; and of the amount thereof, and the payment thereof; the number of directors, the mode of conducting business at meetings of directors; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them, and the remuneration to be received by them; the time and place of holding the annual general meetings; the place or places where the business of the company shall be conducted; and the place where the principal office or seat of business shall be from time to time established, and the branches thereof; the call of meetings, general and special, of the board of directors and of the company; the requirements as to proxies; and the procedure in all things at such meetings; the imposition of all penalties and forfeitures, and the conduct in all other particulars of the affairs of the company that they may deem necessary or prudent to regulate by by-law or resolution: and such by-laws or resolutions may from time to time be varied, altered or repealed, amended or re-enacted; such by-laws and resolutions to have force until the next annual general meeting only, and if not then confirmed such by-law or resolution not confirmed shall thenceforth cease to have any force or effect; and every copy of any by-law or resolution under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts as *prima facie* evidence of such by-law or resolution; and all the proceedings of the board of directors shall be recorded in a minute book to be kept at the head office of the company for that purpose; and any shareholder may demand and shall be entitled to receive from the directors or the officer in whose charge such book is placed, a true and certified copy of any proceedings of any meeting of such board: Provided always, further, that any by-law or resolution of the board as to their own remuneration shall not take effect or be acted upon until confirmed at an annual general meeting of the shareholders.

Enacting,
altering, or
repealing of
by-laws.

Certified copy
to be evidence
of by-law.

Proceedings
to be recorded
in minute book

Remuneration
of directors.

First directors.

17. The said Honourable John McMurrich John Fiskien, Robert Beaty, George Booth, and William Morrison shall be and are hereby declared to be the first directors of the company, and shall continue in office until an election of directors shall be had under this Act, and shall have and exercise all the powers by this Act vested in directors of the company.

Acts of officers
binding on
company.

18. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed in the name of the company by the president, manager, or secretary or treasurer of the company, or other agent or officer thereunto lawfully authorized, of the company, shall be binding upon the company; and it shall not be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque; nor shall such president, manager, secretary, treasurer, or agent or officer

as aforesaid, thereby become individually liable to any third party therefor : Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank. Proviso.

19. All contracts made and entered into with the said Thomas Henry Ince under the provisions of the said recited agreement, and the obligations of the assignees in the other recited agreements mentioned, shall enure to the benefit of and be binding upon the said company ; and the company may sue and be sued upon or in respect of any such contract, instead of such parties or assignees, as if the said company had been incorporated at the time of such contract entered into ; but nothing in this Act contained shall affect or impair the rights (if any) of any other assignee of the said letters patent. Suits by and against the company.

CAP. CXVIII.

An Act to incorporate "The Hamilton Warehousing and Transportation Company."

[Assented to 29th March, 1873.]

WHEREAS John Stuart, the Honourable Isaac Buchanan, Donald McInnes, John Brown, the Honourable Samuel Mills, Jacob Hespeler, Dennis Moore, Peter Warren, Alexander McInnes, William McGiverin, James Watson, James Turner, Adam Brown, Thomas Saunders, Thomas H. McKenzie, William McKay, Silas E. Gregory, William Hendrie, John Harvey, Edward Gurney, and Richard Benner, have by their petition prayed that they may be incorporated for the purpose of establishing a company in the City of Hamilton, for the transaction of the business of warehousing produce, merchandize, and other effects, and of providing wharf accommodation, and vessels, and other conveyances for forwarding produce, merchandize, and other commodities, and for other purposes, to be called "The Hamilton Warehousing and Transportation Company ;" And whereas, it is desirable to grant the prayer of the said petitioners : Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The several persons hereinbefore named, together with all such persons and corporations as shall under the authority of this Act be associated with them, and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic Incorporation.

politic and corporate, by the name of "The Hamilton Warehousing and Transportation Company," and by that name shall and may have perpetual succession, and a common seal, with power to break and alter the same; and by that name shall and may sue and be sued in all courts of law or equity in this Province; and the said corporation shall have their principal place of business at Hamilton aforesaid, but may open such office or offices at such places either in this Province or elsewhere, as may be found necessary or convenient for the purposes of their business.

Power to erect
wharves, &c.

2. The said company is hereby authorized and empowered at its own costs and charges, to erect and build wharves, sheds, stores, elevators, and warehouses, for the reception and storage of produce, merchandize, and other effects free of duty, in bond or otherwise, also barges, steamers, and other vessels and conveyances, together with tramways, and other constructions and erections whatsoever, as may be requisite or useful for the reception, safe-keeping, conveying, and forwarding produce, merchandize, and other commodities.

Power to
purchase or
lease lands.

3. The said company may from time to time purchase or lease lands, wharves, elevators, sheds, stores, or other erections as may be requisite or useful for their business, and may purchase, lease, or charter barges, steamers, and other vessels or conveyances, and such purchases, leases, or charters may be made from any of the directors or shareholders of the company, but such purchases, leases, or charters must be approved of by the shareholders of the company, at a meeting to be convened for that purpose

Real property
limited.

4. The said company may from time to time purchase and hold such immoveable property as may be necessary for carrying on the business of the said company, not exceeding thirty thousand dollars in annual value.

To build dry
docks, &c.

5. The said company are hereby empowered to construct and build dry-docks, wet-docks, graving-docks, together with such marine railways as may be necessary for the building or repairing of their own or other barges, steamers, or vessels.

Power to sell,
&c.

6. The said company shall have power to sell, let, hypothecate, mortgage, or dispose of any of the property of the company, to make, endorse, draw and accept promissory notes and bills of exchange, and to do all such matters as may be incidental to the carrying out of the objects of the company, or necessary or expedient to the more profitable prosecution thereof.

May issue
transferable
warehouse
receipts.

7. The said company may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said company shall be compellable to deliver such goods,

goods, and such warehouse receipts shall be transferable by endorsement, either special or in blank, and such endorsement shall transfer all right of property and possession of such goods, to the endorsee or holder of such warehouse receipt, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way, and on delivery of such goods by the said company in good faith, to a person in possession of such warehouse receipts, the said corporation shall be free from all further liability in respect thereof: Provided always, that the said corporation shall be subject in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen, either by the statute law, or by the common law of that part of Canada constituting the Province of Ontario.

8. The company may from time to time make advances on goods stored in the stores or warehouses of the said corporation, and may charge a commission on such advances not exceeding two and a half per centum on the amount thereof, for which advances and commission the said company shall have a lien upon such goods; but no lien shall attach in favour of the company on any goods, wares, and merchandize for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed on the face of such receipt itself: Provided that in the event of non-payment of such advances when due, the company may sell the goods whereon such advances have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the company upon such advances, with any interest and costs, returning the surplus, if any, to the owner thereof, but no sale of any goods shall take place under this Act until, or unless ten days' notice of the time and place of such sale has been given by registered letter, transmitted through the Post Office, to the owner of such goods prior to the sale thereof.

9. The capital stock of the company shall be one hundred and twenty-five thousand dollars current money of this Province, in shares of one hundred dollars each, and such shares shall be transferable upon the books of the said company, in such manner and subject to such restrictions as shall be fixed by the by-laws of the said company: Provided always, that no person to whom shall be allotted any stock in the said company, shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock until the whole amount of such stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said company; and such stock shall be called in and be paid in such instalments and upon such notice as shall be fixed by the by-laws: Provided always, that the said company shall not commence operations until one-half of the said capital shall be subscribed in good faith, and ten per centum thereon paid in.

10. The president, vice-president and directors shall have power to issue paid up stock

in payment for wharves, &c. power to issue paid up stock in the said company, in payment of the price of any wharves, sheds, stores, elevators, or other erections, barges, steamers, or other vessels and conveyances, or of real estate purchased, required for the purposes of this Act; and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said company, and paid by the holder thereof in full.

Forfeiture of shares.

11. If any stockholder neglect or refuse to pay any such call or calls as shall be lawfully made as aforesaid upon any shares, such stockholder so refusing or neglecting shall forfeit such shares with any amount which shall have previously been paid thereon; and the said shares may be sold by the said directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said company: Provided always, that the purchaser shall pay the said company the amount of the calls due thereon, in addition to the price of the shares so purchased by him immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid, and shall hold the shares so purchased subject to all further calls thereon: Provided also, that notice of the sale of such forfeited shares shall be given in the same manner as shall be provided for notice of calls, and that the instalments due and the cost incurred in advertising the sale may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof; And provided also, that nothing herein contained shall prevent the said company from proceeding against any defaulter before any court of justice having cognizance thereof to compel the payment of any call or calls in arrear, if they should see fit so to do.

Notice of forfeiture.

Meetings of stockholders.

12 At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy, and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the stockholders present in person or by proxy, except in any case or cases otherwise provided for by this Act, and provided also that no person shall be entitled to vote by proxy at any meeting unless he shall be a stockholder in the said company, and produce written authority as such proxy.

Votes.

Power to increase capital stock.

13. If at any future period the said sum of one hundred and twenty-five thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said company to increase their capital stock by a further sum not exceeding four hundred thousand dollars currency, subscribed either among themselves

themselves or by new stockholders, such new stock being divided into shares of one hundred dollars each : Provided always, that such increase be decided upon and ordered by a majority of the stockholders in value of the said company present in person or by proxy, at a meeting held for that purpose.

14. Until the election of the president, vice-president and directors, as hereinafter mentioned, John Stuart, Donald McInnes, James Turner, William Hendrie, Silas E. Gregory, Edward Gurney, John Brown, Alexander McInnes, John Smith, Thomas Stock, John Field, William McGiverin and Adam Brown shall be provisional directors of the said company, with power to open books for the subscription of stock therein and generally to exercise the usual functions of provisional directors until such first election of the president, vice-president and directors shall be made at a general meeting of the stockholders of the company, to be held for that purpose at the City of Hamilton, so soon as one-half of the capital stock of the said company shall have been subscribed for, and after such notice thereof shall have been given as is hereinafter required for special general meetings of stockholders in the said company, and at such meetings seven directors, two of whom shall be president and vice-president, shall be elected, to hold office until the first Tuesday in the month of March then next following, and after such first election the stock, real estate, property, affairs and concerns of the said company shall be managed and conducted by seven directors to be annually elected by the stockholders, at a meeting of stockholders to be held for that purpose on the first Tuesday of the said month of March, in each year, notice of which annual meeting shall be given in the manner hereinafter mentioned ; and no person shall be president, vice-president or a director of the said company, unless he be the proprietor of at least five shares of stock therein.

Provisional
directors ap-
pointed.

15. Such meetings shall be held and such election made by such of the stockholders of the said company as shall attend for that purpose, in their own proper persons or by proxy ; and all elections for such president, vice-president and directors, shall be by ballot, and the person who shall have the greatest number of votes at any such election shall be president, and the person who shall have the next greatest number of votes shall be vice-president, and the five who shall have the next greatest number of votes shall be directors ; and if it shall happen at any such election that two or more persons shall have an equal number of votes in such manner that a greater number of persons than seven, including the president and vice-president, shall by a majority of votes appear to be chosen directors, then the said shareholders hereinbefore authorized to hold such election shall proceed to ascertain by ballot which of the said persons so having an equal number of votes shall be a director or directors aforesaid to complete the whole number of seven as aforesaid ; and if any vacancy shall at any time happen among the directors,

Mode of elec-
tion of presi-
dent and di-
rectors.

tors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the then next annual meeting for the election of directors, by a person to be elected by the stockholders in manner aforesaid, at a special general meeting thereof, duly called for that purpose.

Election on
default of elec-
tion as ap-
pointed.

16. In case it shall at any time happen that an election of president, vice-president and directors shall not be made on any day when pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day to make and hold an election of president, vice-president and directors in such manner as shall have been regulated by the by-laws of the said corporation, and the previous-directors shall in every case hold office until the election of their successors.

Special gen-
eral meetings
and notice
thereof.

17. Special general meetings of the stockholders may be convened on the requisition of any three directors or of a stockholder or stockholders possessing one hundred shares of the stock of the said company, and notice of such meetings and of the annual meetings of the said company shall be held to be validly given if inserted three times as an advertisement in any two newspapers published in the City of Hamilton, and in the *Ontario Gazette*, the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

Power to make
by laws.

18. The president, vice-president and directors for the time being, or the majority of them, shall from time to time have power to make such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, to wit: For the direction, conduct and government of the said corporation, and of its property, real and personal, and its improvement and regulation throughout the year; for the appointment, regulation and removal of the officers, clerks and servants of the said corporation; and for regulating the mode in which all contracts are to be entered into and executed on behalf of the said corporation; and finally for the doing of everything necessary to carry out the provisions of this Act, according to their intent and spirit: Provided always, that such by-laws shall have no force or effect until sanctioned by a majority of stockholders present in person or by proxy, at any annual or other general meeting.

Power as to
charges on
goods coming
into their
possession.

19. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession and shall be subrogated by

by such payment in all the rights and remedies of such persons for such charges.

20. It shall be the duty of the president, vice-president and directors to make annual dividends of so much of the profits of the said company as to them or a majority of them shall seem advisable, and once in a year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said corporation, and such statements shall appear on the books, and be open for the perusal of any stockholder upon request, at least one month before the annual meeting of the said company. Annual dividends and annual statements.

21. No stockholder in the said company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said company, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said company. Liability of stockholders.

22. The said company shall be liable to render a statement of their affairs if required from time to time by the Legislature of Ontario. Return to be made to the Legislature.

CAP. CXIX.

An Act to incorporate "The Clifton Water Power and Manufacturing Company."

[Assented to 29th March, 1873.]

WHEREAS the persons hereinafter named have petitioned that an Act might be passed incorporating a company by the name of "The Clifton Water Power and Manufacturing Company;" And whereas, it is expedient to grant the prayer of the said petitioners: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sidney Barnett, John Drew, and Thomas Wilson, all of the Town of Clifton, in the County of Welland, together with all such other persons as shall become shareholders of the capital stock hereinafter mentioned, shall be and they are hereby made and constituted a body corporate and politic by and under the name and style of "The Clifton Water Power and Manufacturing Company;" and by that name they and their successors, shareholders in the said company, shall be capable of suing and being sued, of contracting and being contracted with, and shall have perpetual succession and a common seal; and Certain persons incorporated.

Power and
objects of the
company.

may acquire, purchase, have, take, and hold real or personal estate, manufacturing and mill properties, sites and water powers and privileges, in or near to the Town of Clifton aforesaid, from Her Majesty or from any other person or persons whomsoever, which may be necessary, requisite or advisable, or deemed to be requisite, necessary or advisable for the site and erection of, and carrying on the manufactories, mills, and other works hereinafter authorized or to be held or enjoyed in connection therewith; and may erect, construct, complete and maintain such buildings, mills, factories, machinery, shops, stores, storehouses, dwellings and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices, and other works that may be deemed to be necessary, requisite or advisable for carrying on factories or mills for manufacturing timber, lumber or saw logs, laths, shingles or other wood or manufactured stuff, iron or other metals, factories or mills for gristing, or for the manufacture of flour or meal of any description or descriptions, or for the manufacture of woollen, cotton, cloth, or other fabrics and goods, and foundries, factories, and mills for carrying on all or any kind of manufacture whatsoever, and may furnish or fit out the same in whole or in part; and may carry on all or any such manufactures, trades, or works, and may vend and dispose of the articles, fabrics, or other goods or manufactures by the said company acquired or manufactured; and may lease or let the said buildings, mills, factories, machinery, shops, stores, storehouses, dwelling or other houses, sheds, wharves, piers, rail or tramways, dams, sluices or other works, or any part or parts of the same, or any right or rights or privileges in respect of the same, to one or more person or persons, and generally to do all and whatsoever may be requisite in and about the premises.

Provisional
directors.

2. The said Sidney Barnett, John Drew, and Thomas Wilson, with power to add to their number, shall be and they are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act; and they or a majority of them shall have power immediately after the passing of this Act to open stock books and procure subscriptions for the said undertaking, to make calls upon the shareholders, to call meetings of the shareholders, and to cause surveys and plans to be made and executed and estimates and tenders to be procured.

Their powers.

Capital stock
and shares.

3. The capital stock of the said company shall be the sum of two hundred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons as may become shareholders in the said company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and all the remainder of such money so far as may be necessary shall be applied towards acquiring the lands, erecting, furnishing, and fitting out the buildings and other works and machinery

machinery required by the said company, and the other purposes of this Act.

4. When and so soon as one-fifth part of the said capital stock shall have been subscribed as aforesaid, and ten per centum thereof paid thereon, the said provisional directors shall call a general meeting of the said subscribers to the capital stock, by a notice therefor to be inserted at least ten days previously to the time of meeting in one of the newspapers published in the County of Welland, specifying the time and place in the Town of Clifton when such meeting shall be held; and at such general meeting the shareholders present either in person or by proxy who shall have paid ten per centum of the stock subscribed by them, shall elect seven persons to be directors of the said company, each such shareholder to be elected being a holder of not less than twenty shares in the said company, and the said directors may then forthwith or at any subsequent meeting of themselves elect from among their own number a president of the said company until the first Monday in February in the year then next following their election, or such other day as may be named for the general annual meeting of the shareholders of the said company, by any resolution of the said shareholders, or by any rule, regulation, or by-law of the said company.

Meeting for
election of
directors.

5. At such general meeting, or any subsequent general meeting, the shareholders may make and pass such rules and regulations and by-laws as may be expedient, provided they are not inconsistent with this Act.

Shareholders
may make
rules, etc.

6. On the first Monday in February in each year, or on such other day in each year as may be named by any resolution of the shareholders, or by any rule, regulation, or by-law of the said company, a general meeting of the shareholders shall be held in the Town of Clifton, at such place, and at such hour, as the president or directors shall appoint, at which meeting the shareholders present in person, or by proxy, shall elect from among themselves seven persons, each holding not less than twenty shares in the said company, to be directors, in the room of the directors for the then past year, who shall be eligible for re-election, and such directors may then forthwith, or at any subsequent meeting of themselves, elect one of their number president of the company.

Annual meet-
ing of share-
holders.

7. In the election of directors, and in the transaction of business at all meetings of shareholders, each shareholder shall be entitled to as many votes as he may hold shares.

Votes of share-
holders.

8. Any four of the directors shall form a quorum for the transaction of business; and the president, or, in his absence, a chairman chosen by the directors present, shall preside at the meetings of the directors; and the president or chairman shall, in

Proceedings
at meetings
of directors.

in addition to his vote as a director, have also a casting-vote in case of an equality of votes among such directors.

Provision in case election not held at time appointed.

9. In case it should at any time happen that an election of directors should not be made on any day when, pursuant to this Act, or on any day named for that purpose, it should have been made, the said company shall not, for that cause, be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election in such a manner as may be regulated, directed, and appointed by the directors for the time being, and the directors in office shall so continue until a new election is made.

Vacancy in board of directors.

10. In case any vacancy should at any time happen amongst the said directors, by death, resignation, or disqualification, such vacancy shall be filled for the remainder of the year by the remaining directors, or a majority of them, electing in such place or places a shareholder or shareholders eligible for such an office.

Powers of directors.

11. The directors shall have power and authority to appoint a manager and such other officers and persons as may appear to them necessary for carrying on the business of the said company, with such powers and duties, salaries and allowances to each, as to the directors may seem advisable; and also shall have power and authority in all things to administer the affairs of the said company; and for the purposes and uses of the said company, from time to time, to borrow money, in one sum or several sums, from any individual or corporate body willing to lend or advance the same; and may mortgage, pledge, assign, or hypothecate to such individual or corporate body the property, real and personal estate, revenues, income, rents, and profits of the said company, for the repayment of the said sum or sums so borrowed, and the interest thereon; and may issue scrip or debentures, in the name of the said company, for sums not less than one hundred dollars each, and such scrip and debentures shall be transferable by delivery merely, and shall, with the interest payable thereon, form a charge upon the property and income of the said company.

Power of directors to make by-laws, etc.

12. The directors shall also have power and authority to make, and from time to time to alter such by-laws, rules, and regulations, to be binding upon the shareholders of the said company, as shall appear to them proper and needful, touching the well ordering of the said company, and the management and disposition of its stock, property, estate, and effects; the calling of special general meetings of the shareholders; the regulation of meetings of the directors, and all other matters connected with the proper organization of the said company, and the conduct of the affairs thereof; the making of calls upon the subscribed capital stock, at such days, times, and places, and upon such notice, as to them shall seem meet and advisable;

the

the forfeiture of shares upon which any instalment or instalments, call or calls, remain unpaid after the days and times for the payment of the same respectively; the appointment and removal of officers and other persons employed by or for the said company; the regulation of the transfer of stock; and empowering the president, manager, or other officers of the said company, to make contracts on behalf of the said company, and to affix (if made) the seal of the said company to such contracts: Provided that such by-laws, rules, and regulations do not contravene the provisions of this Act.

13. The directors shall also have power and authority to declare such yearly or half-yearly dividends upon the capital stock of the said company, as they may deem expedient out of the profits of the said undertaking. Dividends.

14. The shareholders, as such, shall not be liable or responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the said company, beyond the amount unpaid upon the shares in the stock thereof held by them respectively. Liability of shareholders.

15. The shareholders in the said company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof, for services performed for the said company; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the said company shall have been returned unsatisfied in whole or in part. Liability of shareholders.

16. The shares of the said company shall be deemed personal property, and shall be assignable; but no transfer of any share shall be valid till entered in the books of the said company, according to such forms and subject to such regulations as the directors may from time to time appoint; and a copy of any such by-laws purporting to be under the hand of the president or manager or any officer of the said company, and having the corporate seal of the said company affixed to it, shall be received as *prima facie* evidence of such by-laws in all courts in this Province. Assignment of shares.

17. The said company shall and may from time to time sell, alienate and convey all or any lands, tenements, buildings, mills, factories, machinery, shops, stores, storehouses, dwelling or other houses, Company may sell lands, etc., and acquire other lands.

houses, barns, sheds, wharves, piers, rail or tramways, dams, sluices, or other works or other real or personal property or rights or privileges by the said company leased, acquired, purchased, had, taken or held, and lease, acquire, purchase, have, take or hold others in their place or stead, for the purposes and uses generally of the said company.

Shareholders
may be sued
for calls.

18. If at the time appointed for the payment of any call any shareholder fails to pay the amount of the call payable by him, he shall be liable to pay interest at the rate of seven per centum per annum for the same, from the day appointed for payment thereof to the time of the actual payment, and may be sued by the directors for such call and interest, in any court of law or equity having competent jurisdiction.

Actions for
calls.

19. In a suit or action to recover any money due upon any share, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, whereby an action hath accrued to the said company by virtue of this Act; and a certificate under seal and purporting by any officer of the said company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Aliens may be
shareholders,
and vote.

20. Aliens as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the said company; and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided.

Company not
bound to see
to trusts on
shares.

21. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same may stand in the books of the said company shall be a valid and binding discharge to the said company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the said company; and the said company shall not be bound to see to the application of the money paid upon such receipt.

Contracts, etc.,
by the com-
pany, how to
be executed.

22. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the said company, by any agent, officer or servant of the company in general accordance with his powers as such under the by-laws of the said company, shall be binding upon the said company; and in no case shall it be necessary to have the

the seal of the said company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the said company be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

23. The corporation of the Town of Clifton may pass by-laws for granting bonuses to the said company, or to any person or persons acquiring or leasing the mills or factories of the said company establishing and maintaining thereon manufacturing establishments or other works authorized by this Act; and for issuing debentures payable at such time or times, and bearing or not bearing interest as the said corporation may think meet for the purpose of raising money to meet such bonuses: Town of Clifton may aid company. Provided however, that such by-law, before the final passing thereof, shall receive the assent of the electors of the said corporation in the manner provided by the Act of the Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, for the assent of electors to by-laws authorized by the said Act. Proviso.

CAP. CXX.

An Act for the further Improvement of the Cobourg Harbour.

[Assented to 29th March, 1873.]

WHEREAS the Commissioners of the Cobourg Town Trust Preamble. have by their Petition represented that, in view of an anticipated increase of business in the shipment of iron ore and lumber over the Harbour at Cobourg, it has become necessary to deepen, enlarge and otherwise improve the same; and it is therefore expedient to authorize the issue of a certain amount of debentures to be chargeable upon the property of the Cobourg Town Trust, in order that funds may be raised for the aforesaid purpose:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Town Council of Cobourg, from time to time, and as they shall be required by the said commissioners, Powers of Town Council of Cobourg to issue debentures.

tures not ex-
ceeding
\$100,000.

sioners, to issue a further amount of town trust debentures, not to exceed one hundred thousand dollars over and above the sum they are now authorized to issue ; which debentures shall be a charge upon the trust property and revenues vested in the commissioners, after the principal and interest and the sinking fund on the fifty thousand pounds sterling of debentures authorized to be issued by the Act of the late Province of Canada, intituled " An Act to consolidate the debt of the Town of Cobourg, and to authorize the issue of debentures on the security of the town property and for other purposes," shall have been fully provided for ; and such further and additional debentures shall on the face thereof respectively express that they are debentures issued under the authority of this Act, and secured on the property and revenues of the town trust ; and all the provisions of the said cited Act shall apply thereto ; excepting only that provision shall first be made for the payment of the interest and sinking fund on the debentures issued under the authority of the said cited Act.

Application of
the debentures.

2. The said debentures, when so issued, shall be handed to the Commissioners of the Cobourg Town Trust to be by them negotiated or applied for the exclusive purpose of deepening, enlarging, repairing and improving the Cobourg Harbour, and for no other purpose ; and the same may be said to bear any rate of interest not exceeding eight per centum per annum.

Mayor to be
an *ex-officio*
commissioner.

3. The Mayor of the town for the time being shall be an *ex-officio* Commissioner of the Cobourg Town Trust.

Appointment
of engineer.

4. Before any expenditure for the enlargement of the Harbour by the extension of present piers or building new ones takes place, and before any contracts for that purpose are entered into, a plan and estimate of the proposed enlargement, made by a competent Civil Engineer, shall be submitted to the Town Council and approved of by them.

Former debentures not
affected by this
Act.

5. Nothing in this Act shall be construed so as to impair or lessen the security of the debentures heretofore issued under the authority of the said cited Act, which are to be the first charge upon the Trust.

Act not to
affect liability
of the town for
its debt to the
municipal loan
fund.

6. Nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, against the municipality of the said town, in respect to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and Acts amending the same.

CAP. CXXI.

An Act respecting "The Colonial Trusts Corporation (Limited)."

[Assented to 29th March, 1873.]

WHEREAS "The Colonial Trusts Corporation (limited)" Preamble.
 was duly incorporated under the provisions of the Imperial Joint Stock Company's Act, 1862; And whereas, some of the objects for which the said corporation was established were the transaction of the business then being carried on by "The Colonial Securities Company (limited)" and the purchase and acquisition of that business, and the investment of moneys on account of other persons or companies investing moneys through the agency of the said corporation on the security of real or other property in any British Colony or Dependency of the British Crown; And whereas, the said corporation hath been and is engaged in carrying on its said business in the Province of Ontario; And whereas, the mortgages and securities for moneys invested on real estate by "The Colonial Securities Company (limited)" and by "The Colonial Trusts Corporation (limited)" respectively, were taken and are held in the name of "The Colonial Securities Company (limited);" And whereas, the said corporation hath also petitioned for an Act to facilitate proof of its incorporation for the execution of instruments, for the vesting in the said corporation of the assets of the said "The Colonial Securities Company (limited)," and otherwise to enable it more easily to carry on its transactions; and it is expedient to comply with such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. "The Colonial Trusts Corporation (limited)" may by any instrument under its corporate seal, from time to time, appoint one or more attorney or attorneys, trustee or trustees, in this Province, by whom the said corporation may execute all such deeds, conveyances, leases, discharges of mortgages, and other instruments of any kind as may be necessary in carrying on the objects of the said corporation.

Attorneys and trustees may be appointed to execute deeds, &c.

2. The said corporation may commit to the custody of such attorney or attorneys, trustee or trustees, for the time being, an official seal for the purpose of executing such deeds and instruments as aforesaid, and such seal, from time to time, may break, alter, or renew; and such seal shall be deemed and taken to be the corporate seal of the said corporation, for the execution of instruments within this Province; and every deed, conveyance, lease, discharge of mortgage, or other written instrument of any kind purporting to be under the corporate seal of the said corporation

And may have the custody of the seal of the corporation.

poration or under the aforesaid official seal of the said corporation, entrusted to such attorney or attorneys, trustee or trustees, shall be receivable in evidence as *prima facie* proof in any court of law or equity, or in any legal or equitable proceeding, or before any court or tribunal in this Province, that such deed, conveyance, lease, discharge of mortgage, or other written instrument has been duly executed by the said corporation without any proof of the said corporate or official seal, or either of them, or of the appointment, signature, or official character of the person or persons purporting to have affixed such seal or seals, or to have acted as such attorney or attorneys, trustee or trustees.

Instruments
under such
seals deemed
duly executed.

Proviso.

3. Any deed, conveyance, lease, discharge of mortgage, or other instrument purporting to be under the corporate seal of the said corporation, or under the official seal of the said corporation, now or hereafter to be used by the attorney or attorneys, trustee or trustees of the said corporation in this Province, under the foregoing provisions of this Act, shall be considered as duly executed by the said corporation, or their said attorney or attorneys, trustee or trustees, as the case may be, for registration purposes, upon being produced to the proper registrar in that behalf, without any further proof or verification: Provided the same is otherwise in accordance with the registry laws in force; and such Registrar shall register the same without any further proof of such corporate or official seal or other proof whatever.

Verified copy
of articles of
association
may be regis-
tered, &c.

4. The said corporation may register a copy of its memorandum and articles of association, verified by the oath of its secretary in England, under its corporate seal, in the office for the registry of deeds in and for the City of Toronto; and a printed or written copy of such memorandum and articles of association, certified by the Registrar of the City of Toronto, under his hand, to be a true copy of the said memorandum and articles of association, as registered in his office, shall be *prima facie* evidence of the same respectively, and of all the particulars contained therein, respectively, in any court of law or equity, or in any judicial proceeding or before any court or tribunal in this Province in any matter or cause whatever.

Securities held
by former
companies
vested in the
Colonial Trust
Corporation.

5. All lands, mortgages, securities, leases, bonds, or other instruments held by or for "The Colonial Securities Company (limited)," or "The Colonial Trusts Corporation (limited)," respectively, shall be deemed and taken to be vested in "The Colonial Trusts Corporation (limited)," so that the same may be sold, assigned, conveyed, collected, realized, dealt with, released or discharged by "The Colonial Trusts Corporation (limited)," under the provisions of this Act; and all releases and discharges, if any, of the said mortgages or securities executed by the trustees or trustee, attorneys or attorney, of the said corporation, shall be valid and effectual for revesting the title to the mortgaged lands and pre-
mises

mises conveyed or assigned by any mortgage so released and discharged in the mortgagor, his heirs or assigns.

CAP. CXXII.

An Act to amend the Act passed in the twenty-second year of Her present Majesty's reign, chaptered one hundred and thirty-three, and intituled "An Act to incorporate the Canada Landed Credit Company," and to extend the powers conferred upon the said Company.

[Assented to 29th March, 1873.]

WHEREAS the said Company have petitioned that an Act Preamble. may be passed to amend the Act passed in the twenty-second year of the reign of Her present Majesty, and chaptered one hundred and thirty-three, and to extend the powers conferred on the said company, and to empower the said company to purchase and take assignments of mortgages on real estate, whether the principal moneys thereby secured are payable by instalments or otherwise, and whether the rate of interest payable thereon be greater or less than eight per centum per annum, upon such terms and for such sum or sums of money as to them may seem meet, and for other purposes; And whereas it is expedient so to grant:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said company shall have power to purchase and to take assignments of mortgages on real estate, whether the principal moneys secured by the said mortgages are payable by instalments or otherwise howsoever, and whether the interest be greater or less than eight per centum per annum, for such sum and sums of money as to the said company may seem meet. Power to the company to purchase mortgages.

2. The thirty-fifth section of the Act passed in the twenty-second year of the reign of Her present Majesty, and chaptered thirty-three, is hereby repealed, and in lieu thereof it is hereby enacted as follows:— Votes of share holders.

At all meetings of the company every shareholder shall on all occasions on which the votes of the shareholders are to be taken, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him."

3. It shall be lawful for the Board of Directors of the said Dividends. company

company to declare dividends half-yearly, and to appoint the times for the payment thereof.

Inconsistent
clauses in for-
mer Act re-
pealed.

4. So much of the Act passed in the twenty-second year of the reign of Her present Majesty, and chaptered thirty-three, as may be inconsistent with or repugnant to the provisions of this Act shall be and is hereby repealed.

CAP. CXXIII.

An Act further to amend the Act incorporating the President, Directors and Company of the Credit Harbour.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the said company have petitioned for an Act to further amend the Act incorporating the President, Directors and Company of the Credit Harbour, so as to enable the said company to amalgamate with the Peel General Manufacturing Company, and with the Streetsville and Port Credit Junction Railway Company, or either of them, and to extend the powers of the said company, and for other purposes :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The Credit
Harbour Co.
may make cer-
tain agree-
ments with the
Peel General
Manufacturing
Co.,

1. It shall be lawful for the President and Directors of the Credit Harbour Company to enter into and make agreements with The Peel General Manufacturing Company, touching the use by one or the other, or by both companies, of the property of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, or to agree with the said The Peel General Manufacturing Company, upon any terms they may mutually consent to, for the loan of its credit to said company, or may subscribe to and become owner, by exchange or otherwise, of the stock in the said company, in like manner and with like rights as individuals, and in the event of such exchange of stock being made, paid up stock in one company shall become paid up stock in the other to all intents and purposes, or may amalgamate with the said manufacturing company on such terms as the directors of the said company, with the assent of a majority of their stockholders, may agree upon.

or with the
Streetsville &
Port Credit
Railway J. Co.

2. It shall be lawful for the President and Directors of the Credit Harbour Company to enter into any agreement with "The Streetsville and Port Credit Junction Railway Company" touching the use by the one or the other, or by both companies, of the

the property of either, or of both, or any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor, or may, upon any terms they may mutually consent to, loan its credit to, or subscribe to, or become owner of the stock of the said railway company, or may amalgamate with said railway company, on such terms as the directors of the said company, with the assent of a majority of their stockholders, may agree upon.

CAP. CXXIV.

An Act to amend the Charter of the Bathurst and Tay River Macadamized Road Company.

[Assented to 29th March, 1873.]

WHEREAS the Bathurst and Tay River Macadamized Road Company are a company incorporated under the provisions of chapter forty-nine of the Consolidated Statutes for Upper Canada, intituled "An Act respecting Joint Stock Road Companies for the construction of roads and other works in Upper Canada," and organized for the purpose of constructing a macadamized road on the third concession line of the Township of Bathurst, from the limit between the said Township of Bathurst and the Town of Perth, in the County of Lanark, a distance of five miles on said line, terminating at or near the side line between lots numbers thirteen and fourteen, in the said third concession of the Township of Bathurst; that the corporation of the said Township of Bathurst subscribed eighty shares of twenty dollars each in the capital stock of said company, but the by-law, under which the said shares were subscribed, provided that the said shares should be paid from the proceeds of the sale of certain shares of the capital stock of the Commercial Bank of Canada held by the said corporation of the Township of Bathurst; that the stock of the said Commercial Bank of Canada, after the said corporation of the Township of Bathurst had subscribed for the said shares, and before the same were paid, became very much depreciated in value, whereby the said Bathurst and Tay River Macadamized Road Company had to accept a much smaller sum than originally subscribed, to wit the sum of three hundred and sixty-five dollars; on account of this loss and of sundry other losses and misfortunes, the said company were unable to complete the said macadamized road the full distance of five miles, as mentioned in their said deed of incorporation, but the said company built a portion of the said road, to wit, commencing at the limit between the said Township of Bathurst and the Town of Perth, and extending westward two miles, and three-fourths of a mile

on

on the third concession line of the said Township of Bathurst, terminating at or near the division line between the east and west halves of lot number twenty, in the said third concession of the Township of Bathurst; And whereas, the said Bathurst and Tay River Macadamized Road Company have, by their petition, prayed that they may be relieved from completing the whole of the line of road mentioned in their deed of incorporation; that the portion of the road now completed and held by the said company may be vested in them; that they may be enabled to collect tolls on said road in accordance with the rates provided under chapter forty-nine of the Consolidated Statutes for Upper Canada; that they may have the same rights and privileges as if they had completed the whole of said road:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Bathurst & Tay River Co. relieved from constructing the entire road.

1. It shall not be necessary for the said Bathurst and Tay River Macadamized Road Company to build and construct the whole of said line of road as mentioned in the deed of incorporation of said company.

Portion of road completed to be vested in the Company.

2. The said portion of said road, to wit, commencing at the limit between the said Township of Bathurst and the Town of Perth, and extending westward two miles, and three-quarters of a mile on the third concession line of said Township of Bathurst, terminating at or near the division line between the east and west halves of lot number twenty, in the third concession of said Township of Bathurst, is vested in the said company as fully as the same would have been if the said company had completed the said five miles of road as mentioned in their said deed of incorporation.

Power to collect tolls.

3. The said company may collect tolls for said two miles and three-quarters of a mile of road in accordance with the rates fixed, and subject to the restrictions contained in said chapter forty-nine of the Consolidated Statutes for Upper Canada.

Powers of the company over the portion of the road completed.

4. The said company may exercise the same rights and privileges with regard to said two miles and three-quarters of a mile of road, as they might or could have exercised with regard to the whole road, if it had been completed by them.

CAP. CXXV.

An Act to amend the Act intituled "An Act to authorize and empower the Canada Company to divert the River Aux Sables, and to drain lands in the Townships of McGillivray, Bosanquet and Stephen, in the Counties of Middlesex, Lambton and Huron.

[Assented to 29th March, 1873.]

WHEREAS by an Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered one hundred and two, and intituled "An Act to authorize and empower the Canada Company to divert the River Aux Sables, and to drain lands in the Townships of McGillivray, Bosanquet and Stephen, in the Counties of Middlesex, Lambton and Huron," the Canada Company were empowered to drain certain lands in the Townships of McGillivray, Bosanquet and Stephen, in the Counties of Middlesex, Lambton and Huron, in accordance with the provisions of the said Act; And whereas, in pursuance of the powers conferred upon them by the said Act, the Canada Company have at considerable expense made surveys of the said lands, and entered into contracts to a large amount for the drainage thereof; And whereas, in view of the great importance of reclaiming the said lands, not only for sanatory purposes, but for the facilities thereby afforded for their settlement, and the consequent increase of the said Townships in productiveness and prosperity, the Municipal Councils of the said Townships have united with the Canada Company in praying by their petitions that the said Municipal Councils may have the power to exempt the said lands from all taxation for municipal and school purposes, for the period of ten years, or until such lands are leased or sold by the said Canada Company; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Municipal Councils of the Counties of Middlesex, Lambton and Huron, and of the Townships of McGillivray, Bosanquet and Stephen, by by-law or resolution, to exempt the several lands of the Canada Company in the schedule to this Act mentioned, within their respective municipalities, from all taxation within their said municipalities respectively, for municipal or school purposes, for the period of ten years from the first day of January, one thousand eight hundred and seventy-five, to the first day of January, one thousand eight hundred and eighty-five, subject to the provisions hereinafter mentioned.

Municipalities may exempt certain lands of the Canada Company from taxation.

Land sold by
Canada Com-
pany to be
liable to taxa-
tion.

2. Whenever any of the said land of the Canada Company is leased or sold by the Canada Company, such land so leased or sold shall thereupon become and be liable to and chargeable with municipal and school taxes in the same manner as if this Act had not been passed.

Canada Com-
pany to make
annual return
of lands sold
to Township
Clerks.

3. The Canada Company shall deliver to the Clerk of the Municipal Council of each of the said Counties and Townships, on or before the fifteenth day of January in every year, while the exemption from taxation under this Act continues, a true and correct list of all the lands in the Townships mentioned in the said schedule which shall have been leased or sold by the Canada Company in the previous year.

SCHEDULE.

Lands belonging to the Canada Company to be exempted from taxation under this Act.

TOWNSHIP OF BOSANQUET.

Con.	1,	Lots	28 to 34 inclusive.
"	2,	"	N $\frac{1}{2}$ 27 and 28 to 35 inclusive.
"	3,	"	27 to 29 inclusive.
"	4,	"	28 and 29.
"	5,	"	E $\frac{1}{2}$ 29 and lot 30.
"	L R E	"	6, W $\frac{1}{2}$ 8, W $\frac{1}{2}$ and S $\frac{1}{2}$ of E $\frac{1}{2}$ 9, W $\frac{1}{2}$ 10, 11 and 21 to 35 inclusive.
Cons.	A, B & C		All the lands in these concessions, together with the lands covered by the waters of Lake Burwell, Lake George and Lake Smith.

TOWNSHIP OF MCGILLIVRAY.

Con.	5, W C R	Lots	E $\frac{1}{2}$ 29, W $\frac{1}{2}$ 30 and 31.
"	6,	"	W $\frac{1}{2}$ 22.
"	7,	"	22.
"	8,	"	22.
"	28,	"	1 to 9 inclusive, and N $\frac{1}{2}$ lot 10.
"	Aux Sables	"	1 to 17 inclusive.

TOWNSHIP OF STEPHEN.

Aux Sables Con.	Lots	E $\frac{1}{2}$ and S $\frac{1}{2}$ of W $\frac{1}{2}$ 4, and 5 to 19 inclusive.
-----------------	------	--

CAP. CXXVI.

An Act to incorporate "The Toronto Fuel Association."

[Assented to 29th March, 1873.]

WHEREAS John Fiskien, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray, and William B. McMurrich, have by their petition represented that a large saving would be ensured to the citizens of Toronto, in the price of fuel by the purchase of the same in large quantities conjointly, and to carry out this object have prayed that an Act might be passed incorporating a company by the name of "The Toronto Fuel Association;" And whereas it is expedient to grant the prayer of the said petitioners :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. John Fiskien, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson Coatsworth, Alexander M. Smith, Robert Jaffray and William B. McMurrich, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic, by the name of "The Toronto Fuel Association." Incorporation
Corporate name.

2. The said corporation is hereby constituted for the purpose of purchasing and selling coal, wood, peat, and other material for the purpose of being used as fuel, and for these purposes may acquire and hold by purchase, lease, or other legal title, such personal property, and such lands, not at any time exceeding four thousand acres in superficies, and construct and maintain such buildings, machinery and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit: and may hold, use and enjoy all such property, privilege and rights for the purpose of carrying on said business in all its branches, under the provisions of this Act. Powers and business of the company.

3. The capital stock of the said company shall be one hundred thousand dollars, in shares of twenty dollars each, and such shares shall be and are hereby vested in the several persons who shall subscribe for the same, and be deemed personal estate, and shall be assignable at the place of business of the corporation in the City of Toronto, and according to such form as the directors shall prescribe; and the money so raised shall be applied in the Capital stock and shares.
How to be expended.

first place to the payment of all fees, expenses and disbursements for procuring the passing of this bill, and all the rest and residue of the said money shall be applied toward the purchasing of fuel and land and personal property, and such other property as may be required in carrying on the business of the said company.

Increasing capital.

4. The directors of the company, if they see fit at any time after the whole of the capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to an amount not exceeding two hundred thousand dollars, which they may consider requisite in order to the due carrying out of the objects of the company, and such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the shares be allotted, and in default of its so doing the whole of such allotment shall be held to vest absolutely in the directors: Provided, that no by-law for increasing the capital stock of the company shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

When subscriptions shall be binding.

5. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon to the company, after call made for same, into one of the chartered banks of this Province to the credit of the company, and not to be withdrawn except for the purposes of the company.

How the stock to be paid.

If not paid promptly, interest to be charged.

Forfeiture for non-payment.

6. The capital stock shall be paid by the subscribers therefor when and as the directors of the company shall require or as the by-laws provide: and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with interest thereon after such demand or notice as the by-law prescribes, and within the time limited by such notice, the directors may by vote reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Aliens may be shareholders.

7. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company.

Provisional directors.

8. The said John Fiskien, William D. Mathews, George Laidlaw, William B. Scarth, John S. Playfair, Robert Armstrong, Emerson

Emerson Coatsworth, Alexander M. Smith, Robert Jaffray and William B. McMurrich, shall be provisional directors of the said company; and shall severally hold their offices until the first election of directors, which first election shall take place so soon as the amount of stock hereinafter named is subscribed and the per-centage thereon paid up; and for the purpose of election, the provisional directors herein named may appoint any place in the City of Toronto where such election may be held, by giving one month's previous notice, to be published in one or more daily papers in said city at least three separate times, and in the *Ontario Gazette*; such election to be by ballot: and said provisional directors shall have power to open stock books, receive subscriptions of stock or shares, and payments on account of purchase of fuel from non-stockholders; direct how the same shall be paid; to receive payments thereon; and generally to do all matters and things necessary for the full organization and working of the company.

9. The affairs of the company shall be under the control of, and shall be managed and conducted by a board of not less than nine nor more than thirteen directors; and the directors to be elected under the provisions of this Act shall each be stockholders to an amount of not less than five hundred dollars, and shall be elected on the first Wednesday in the month of April in every year after that in which the company goes into operation, at the City of Toronto, unless otherwise provided by the by-laws of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and five members of such board present in person shall be a quorum thereof; and in case of the death, resignation, removal, or disqualification of any directors, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto, but a failure to elect directors or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Directors,
their election
and qualifica-
tion.

Vacancies, how
filled.

10. At all meetings of the company, every shareholder not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always, the proxy is held by a shareholder not in arrear, and as in conformity with the by-law.

Manner of
voting.

Proviso.

11. The board of directors may employ one or more of their number as paid director or directors, and the directors shall be entitled to receive fees for attendance at all meetings duly convened, at which they shall be present in person, as regulated by their said by-laws.

Paid directors.

12. As soon as shares to the amount of ten thousand dollars

First general
meeting of
directors.

of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid up, the provisional directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing permanent directors of said company as herein provided.

Election of president and officers, and filling vacancies.

13. The said board of directors shall elect and appoint a president and a vice-president and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy, the election may be made at any time.

Power to receive payments in advance for fuel.

14. The said company shall have power to receive, take and retain otherwise than in stock and shares in the said company, from any person or persons requiring, or who wish to be supplied with fuel by the said company, such payment or payments or sum or sums of money, on account of the purchase thereof, as they shall by their rules, regulations and by-laws determine; and the paid in and subscribed capital of the company shall be liable for the amount so received or taken by the company.

Liability of the shareholders.

15. The shareholders of the said company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof.

Shareholders liable for debts due to employees.

16. The shareholders in the said company shall be jointly and severally liable for all debts due and owing to any of the labourers and servants thereof, for services performed for such company; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned, unsatisfied in whole or in part.

Negotiable instruments.

17. The company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made and endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company: and every promissory note or bill of exchange made, drawn, accepted or endorsed by the president or

or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown, and shall be valid and binding on the company in the hands of a *bona fide* holder for value, without notice of the same being unauthorized, whether authorized as aforesaid or not; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same shall be unauthorized, when the parties signing the same shall be liable to the said company for all loss or damage the said company may sustain by reason thereof, or by the payment thereof, and unless any such bill or note shall have been given for wages to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

18. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into; and may from time to time make by-laws not contrary to law nor to this Act; to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment, the disposal of forfeited stock, and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends, whether on stock or on payments for fuel; the number and payment of directors; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company and their remunerations; the place where the annual meetings shall be held within the Province of Ontario; the calling of meetings regular and special of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary touching the well ordering and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend and re-enact the same; but no such by-law nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties and removal of agents, officers and servants of the company, the security to be given by them to the company, and their remuneration shall have any force or effect until confirmed at the annual general or a special meeting called for the purpose of taking the same into consideration and confirming or annulling

Power and
duties of di-
rectors.

annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Evidence of
by-laws.

19. A copy of any by-law of the company under their seal and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all the courts of law and equity in Ontario.

Stock, personal
estate.

20. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions as by this Act or by-laws of the Company are or shall be prescribed.

Dividends.

21. It shall be the duty of the directors of this company to make yearly or half-yearly dividends of so much of the profits of the said company as to them may seem advisable; said dividends to be declared on the paid up stock, and deposits paid in on account of the purchase of fuel according to the by-laws of the company.

Company not
liable in respect
of trusts.

22. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share: and the receipt of the shareholders in whose names the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt.

Power to borrow
money.

23. The directors of the said company are hereby authorized and empowered from time to time to borrow for the purposes of the company any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company or any part thereof, for the repayment of the money so raised or borrowed, and the payment of the interest thereon as may be expressed in said bonds or debentures, which shall form a charge accordingly; and such bonds or debentures shall be in such forms and for such amount and payable at such times and places as the directors from time to time may appoint and direct; the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of three-fourths in value of the stockholders of the company shall be first had and obtained at a special meeting to be called and held for that purpose: Provided also, that the said company shall

shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

CAP. CXXVII.

An Act to incorporate "The Toronto Financial Corporation."

[Assented to 29th March, 1873.]

WHEREAS the persons hereinafter named, and others, Preamble.
propose to establish a joint-stock company, and have petitioned for an Act of Incorporation for the said company:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. David Galbraith, Donald Mackay, James Watson, James Scott, and William Henry Dunspaugh, all of the City of Toronto, merchants; John Kerr, and John Enoch Thompson, of said city, accountants; and William Mortimer Clark, of said city, barrister-at-law; and Plummer Dewar, of the City of Hamilton, Esquire, Robert Hunter, of the City of Toronto, printer, and all other person and persons, body and bodies politic, as shall from time to time be possessed of any share or shares in the undertaking, shall be united into a company, and shall be one body politic and corporate, by the name of "The Toronto Financial Corporation," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name shall sue and be sued, plead and be impleaded in all courts whatsoever. Incorporation.

2. The capital stock of the company shall be two hundred thousand dollars, divided into four thousand shares of fifty dollars each: Provided that stock to the amount of fifty thousand dollars shall be subscribed and twenty-five thousand dollars thereof paid up and deposited to the credit of the said company into some chartered bank in this Province before the company shall go into operation, and for every year thereafter at least a further sum of ten per centum upon the allotted stock of the company shall be called in and made payable until the whole shall have been so called in. Capital stock. Proviso.

3. The company may acquire, hold and dispose of stocks, bonds, debentures, and municipal securities, and the obligations of corporate companies, and Government stocks or debentures, and may buy and sell debts secured by mortgage or pledge of freehold or leasehold lands, and may advance or loan money on such securities. Company may acquire certain securities.

Borrowing powers of the company.

Proviso.

Proviso.

4. The directors may from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on the debentures of the company, at such rates of interest and upon such terms as they may think proper; and the directors may for that purpose make or cause to be made debentures, under the common seal of the company, for sums not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached: Provided that no lenders shall be required or bound to enquire into the occasion of any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted; and the said company may receive money on deposit: Provided that the aggregate amount of such deposits, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of cash and securities, at their cash value, belonging to the company, and shall at no time exceed the paid up capital of the company.

Company may act as a trust association and deal in certain securities.

May hold lands.

Proviso.

5. The company is empowered to act as an agency; and may hold, invest, and deal with such moneys, mortgages, securities, or debts as shall from time to time be transferred or delivered to the company, upon trust or as agents; and may exercise all the rights which parties so transferring or delivering the same might or could exercise; and the company may give such guarantee as may be agreed on for repayment of principal and interest, or both, of any such moneys, mortgages, or debts.

6. The company may hold such real estate, including lands actually required by them for an office in the City of Toronto, as may be acquired by them for the protection of their investments, and may from time to time sell, mortgage, lease, or otherwise dispose of the same: Provided always, that the company shall sell any such real estate, the premises occupied by the company as aforesaid excepted, within five years after so acquiring it; and that the same shall not at any time exceed in annual value the sum of ten thousand dollars.

Offices of the company.

7. The head office of the company shall be in Toronto, but the company may have offices in such other places as the directors may appoint, and may appoint agents to manage them and for such other purposes as the directors shall determine; and the debentures, coupons, or dividends of the company may be payable at any place in Toronto or elsewhere.

Transfer of shares.

8. The transmission of the interest in any share of the capital stock, in consequence of marriage, death, or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be authenticated and made in such form, by such proof, and generally in such manner as the directors shall from time to time require, or by by-law direct.

9. Interest shall accrue and fall due at the rate of six per centum per annum upon the amount of any unpaid call from the day appointed for payment of such call. Interest on calls overdue.

10. The company may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act, and a certificate under their seal, and purporting to be signed by the president, secretary, or general manager of the company, to the effect that the defendant is a shareholder, that such call or calls have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect. Action for calls.

11. If after such demand or notice, as the by-laws of the company may prescribe, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors, in their discretion, by vote to that effect, reciting the facts, and the same being duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain. Forfeiture of shares for non-payment.

12. The shareholders of the company shall have full power in all things to administer the affairs of the company; and to make by-laws regulating the issue and registration of certificates of stock; the increase of capital stock; the transfer of stock; the calling in of amounts due on subscribed stock; the declaration and payment of dividends; the number of directors; their term of service; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers, and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the place or places where the annual meeting of the company shall be held, and where the business of the company shall be conducted; the calling of meetings, regular and special, of the board of directors of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, or re-enact the same. Shareholders may make by-laws.

13. Every shareholder in the company shall be entitled to one vote for each share he may hold in the capital stock of the company Voting.

Proviso. company at least one month prior to the time of voting: Provided that no shareholder being in arrears in respect of any call shall be entitled to vote at any meeting of the company; and the votes of the shareholders may be given in person or by proxy.

Proof of by-laws. **14.** A copy of any by-law of the company under their seal, and purporting to be signed by any of the officers aforesaid, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in this Province.

First meeting of shareholders. **15.** So soon as fifty thousand dollars of the capital stock shall have been subscribed, and twenty-five thousand dollars thereof paid up and deposited as aforesaid, the directors shall call a general meeting of the shareholders, to be held in the City of Toronto, of which meeting not less than one month's notice shall have been given by public advertisement in the *Ontario Gazette*, for the purpose of passing by-laws for the management of the affairs of the company; the election of directors; the appointment of officers; and generally for the exercise of the powers conferred on the shareholders by the twelfth section of this Act.

Powers of provisional directors to cease. **16.** So soon as directors shall have been appointed under the next preceding section, the powers and functions of the provisional directors shall cease and determine.

Failure of election of directors not to dissolve company. **17.** If, at any time, an election of directors be not made, or do not take effect, at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose.

Annual meetings. **18.** The general annual meeting of the company shall be held on the last Wednesday of the month of January in each year; and at such meeting a full and detailed statement of the financial affairs of the company up to the thirty-first day of December of the year then last past shall be submitted to the stockholders, and shall appear in the books of the company, and be open for the inspection of the shareholders; but such annual general meeting may be adjourned to a future day, with the consent of a majority of the stockholders present or represented at the meeting.

Notice of meetings. **19.** Annual general meetings and special general meetings of shareholders of the company shall be called by public notice advertised for at least one month in one or more of the newspapers published in Toronto and in the *Ontario Gazette*.

Books to be kept. **20.** The company shall cause a book or books to be kept by the treasurer, or by some other officer specially charged with that duty, wherein shall be kept recorded:—

By-laws. 1. A correct copy of the Act incorporating the company, as also of any and every by-law thereof;

2. The names, alphabetically arranged, of all persons who **Names.**
are or have been shareholders;
3. The address and calling of every such person while such **Address.**
shareholder;
4. The number of shares of stock held by each shareholder; **Shares.**
5. All transfers of stock in their order, as presented to the **Transfers.**
company for entry, with the date and other particulars of each
transfer, and the date of the entry thereof;
6. The names, address, and calling of all persons who are, or **Address of**
who have been, directors of the company, with the several dates **directors, etc.**
at which each became or ceased to be such director.

21. No transfer of stock shall be valid for any purpose what- **Effect of**
ever, save only as exhibiting the rights of the parties thereto **transfer until**
towards each other, and as rendering the transferees liable, *ad* **entered.**
interim, jointly and severally with the transferor to the com-
pany and their creditors, until entry thereof has been duly made
in such book or books.

22. The stock and transfer books shall, during reasonable **Stock books to**
business hours of every day, except Sunday and statutory holi- **be open to**
days, be kept open for the inspection of shareholders and credi- **stockholders**
tors of the company and their personal representatives, at the **and creditors**
office or chief place of business of the company, and every share-
holder, creditor, or representative may make extracts there-
from.

23. Such books shall be *prima facie* evidence of all facts **Effect of books**
purporting to be therein stated in any suit or proceeding against **as evidence.**
the company or against any shareholder.

24. Every director, officer, or servant of the company who **Penalty for**
knowingly makes, or assists to make, any untrue entry in any **untrue entries.**
such book, or who refuses or neglects to make any proper entry
therein, or to exhibit the same, or to allow the same to be
inspected, and extracts taken therefrom, shall be liable to a
penalty not exceeding twenty dollars for making each such
untrue entry, and for each refusal or neglect, and also for all
loss or damage which any party interested may have sustained
thereby.

25. The company shall not be bound to see to the execution **Company not**
of any trusts, whether express, implied or constructive, in re- **bound to see**
spect of any shares; and the receipt of the shareholder in **to trusts.**
whose name the same may stand in the books of the company
shall be a valid and binding discharge to the company for any
dividend or money payable in respect to such shares, and
whether or not such notice of such trust shall have been given
to the company; and the company shall not be bound to see
to the application of the money paid upon such receipt.

26. Every contract, agreement, engagement, or bargain **Contracts by**
made, **the company,**

how to be executed. made, and every bill of exchange drawn, accepted, or endorsed, and any cheque made, drawn or endorsed on behalf of the company by any agent, officer, or servant of the company, in general accordance with his powers as such, under the by-laws of the company, not inconsistent with this Act, shall be binding upon the company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the company be thereby subjected to any individual liability whatever to any third party therefor.

Liability of shareholders to creditors of the company.

27. Each shareholder, until the whole of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid thereon; but shall not be liable to an action therefor by any creditor, before an execution against the company has been returned unsatisfied in whole or in part.

Limit of shareholders' liability.

28. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof.

Actions and witnesses.

29. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Increase on stock.

30. The capital stock of the said company may, from time to time, be increased to a sum not exceeding in the whole the sum of five hundred thousand dollars, and any such increase shall be agreed upon by the shareholders at any annual general meeting or at any meeting specially called, from time to time, for that purpose by the usual notice for special meetings; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by a majority of the shareholders present at such meetings, either in person or by proxy.

Allotment of new stock.

31. Any new stock of the said company to be issued on any such increase of capital stock, shall be allotted to the other shareholders of the said company *pro rata* at par, or at such premium as shall be fixed by the directors: Provided always, that any such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed prepaid to his address by post from Toronto, may be opened for subscription to the public in such manner and on such terms as the directors shall determine: the premium, if any, received on such increased stock

stock shall be carried to the rest or reserve fund of the company.

32. Nothing in this Act contained shall authorize the said company to engage in the business of banking, or to issue any note of a character to be circulated as money or as the notes of a bank. Company not to engage in banking.

33. The company shall make and furnish to the Lieutenant-Governor, and to the Legislative Assembly of Ontario, during the first fifteen days of the session in each and every year, a full and unreserved statement, verified on oath, of the affairs of the said company, and of its funds, property and securities. Annual statement.

CAP. CXXVIII.

An Act to revive and amend the Act incorporating
the Toronto House Building Association.

[Assented to 29th March, 1873.]

WHEREAS by virtue of an Act passed in the thirty-third year of the reign of Her Majesty, chaptered forty-seven, intituled "An Act to incorporate the Toronto House Building Association," certain persons therein named were made a body corporate and politic, by the name of "The Toronto House Building Association," but subject to the proviso in the said Act contained that operations should be commenced under the said Act within one year from the passing thereof, otherwise the said Act should be null and void: And whereas, operations were never commenced under the said Act, the same became null and void: And whereas, with a view of inducing and enabling mechanical and other useful classes of the community having limited incomes to become provident, and accumulate and invest their small savings in real estate, it is desirable that the said Act should be revived or re-enacted: And whereas, it is also desirable that the said Act should in some respects be amended: And whereas, instead of passing an Act reviving and amending the said Act, it is expedient for greater convenience of reference to re-enact the same in an amended form: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. John Worthington, Frederick W. Coate, John Clements, William Thomas, John Morison, Thomas Dick, John B. Smith, Daniel Spry, William Arthurs, Thomas H. Lee, Charles G. Fortier, James Walsh, Angus Morrison, Robert Grant, George M.

Hawke

Hawke and James S. McMurray, together with all such persons as shall become shareholders in the association hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of the "Toronto House Building Association."

Powers.

2. The association shall have power to acquire and hold by lease, purchase, or other legal title, lands, houses, buildings, building material, or premises, to construct, erect, build and maintain houses or other buildings, and to lease, exchange, sell, convey, dispose of, and charge the same as the association may deem for its advantage; and also have the power to acquire by purchase or otherwise any letters patent, or patent rights, for making or using concrete or other building materials, and may use, sell, and work the same to the same extent as the patentee or patentees thereof; and also shall have power to lend its money on security of mortgage on real estate, and whether the interest payable on such mortgage be greater or less than eight per centum, or on provincial government bonds, municipal securities, or on the stock of chartered banks within the Province; and with respect to all such matters it shall have power to enter into, make and enforce all such contracts, stipulations, agreements and conditions as its directors for the time being may deem necessary for carrying out the same.

Capital stock.

3. The capital stock of the association shall be the sum of one hundred thousand dollars, divided into shares of twenty-five dollars each; and which said capital stock may be from time to time increased, as the wants of the association may require, by vote of the shareholders at a meeting of the association called for the purpose, to an amount not exceeding four hundred thousand dollars in the whole.

Increase.

Payments on stock.

4. The capital stock shall be paid by the shareholders in monthly instalments or otherwise, as the directors of the association shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of seven per centum per annum shall be payable after the said day, upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote reciting the fact, duly recorded in the records, summarily forfeit any share whereon such payment is not made, and the same shall thereafter become the property of the association.

Forfeiture for non-payment.

Powers to receive deposits, and borrow and issue bonds.

5. The directors may from time to time borrow money at such rates of interest, and upon such terms as they may think proper, and may, for the purpose of borrowing money, make any bonds or debentures under the seal of the society, for sums of not less than one hundred dollars

dollars each : Provided that the aggregate of such bonds or debentures do not exceed the paid up capital of the association. Proviso.

6. The stock of the association shall be deemed personalty and be assignable ; and no transfer of any share shall be valid until entered in the books of the association according to such forms as the directors may from time to time appoint ; and until the full amount of the shares subscribed shall have been paid up it shall be necessary to obtain the consent of the directors to such transfer being made : Provided always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid, to the satisfaction of the directors. Transfer of stock.

7. At all meetings of the association every shareholder not being in arrears in respect of any instalment, shall be entitled to vote upon the following scale : For one share, one vote ; three shares, two votes ; five shares, three votes ; seven shares, four votes ; nine shares, five votes ; eleven shares, six votes ; thirteen shares, seven votes ; sixteen shares, eight votes ; nineteen shares, nine votes ; twenty-five shares, ten votes ; and one additional for every five shares over twenty-five shares ; no shareholder shall act as proxy for more than one hundred shares, and all votes may be given in person or by proxy : Provided always, the proxy is held by a shareholder, and is in conformity with the by-laws. Scale of votes.

8. The stock, property and affairs of the association shall be under the management of a board of nine directors, one of whom shall be elected president, and another of whom shall be elected vice-president by and amongst themselves ; and five members of such board present in person shall be a quorum thereof ; each of which directors shall be a shareholder, and possess in his own right not less than twenty shares of the capital stock of the said association ; and the first directors under this Act shall be John Worthington, Frederick W. Coate, John Clements, William Thomas, John Morison, Thomas Dick, John B. Smith, Daniel Spry, William Arthurs, Thomas H. Lee, Charles G. Fortier, James Walsh, Angus Morrison, Robert Grant, George M. Hawke, and James S. McMurray ; and they shall hold office till the first general meeting of the shareholders, which shall take place at the City of Toronto at such time and place as they or a majority of them shall determine ; and thereafter the directors shall be elected at a general meeting of the shareholders to be holden on the first Tuesday in February in each year, at such place and in such manner as the directors for the time shall direct and appoint ; and the election shall be held and be made by such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot ; and if any director shall die, resign, refuse, or become incapable to act or cease to be a director from any other cause, the remaining directors shall, if they think proper, Directors,
president,
vice-president,
quorum,
qualification.
First directors.

Election of directors.
Vacancies.

proper, elect in his place another shareholder to be a director, who shall hold office until the next annual meeting.

If no directors elected on the appointed day, the election may be had thereafter.

9. In case at any time an election of directors shall not be made on the day herein appointed, this said association shall not on that account be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws, rules and regulations of the said association.

Powers of directors.

10. The board of directors shall have full power in all things to administer the affairs of the association, and to make all contracts which the association may by by-law make; to adopt a common seal; to regulate the by-laws, and otherwise the calling in of all instalments of stock and payment thereof, and the registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock, and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointments, functions, duties and removal of all agents, officers and servants of the association; the security to be given by them; their remuneration; the time and place for holding meetings; the calling of meetings; the requirements as to proxies; the proceedings in all things at such meetings; the making of calls upon the subscribed capital; the imposition and recovery of all penalties and forfeitures imposed upon the several members of the association infringing such by-laws, and the conduct in all other particulars of the affairs of the association; but all such by-laws and every repeal, amendment and re-enactment thereof may be varied, altered, or cancelled by the shareholders of the association at the next general meeting; and every copy of any by-law or resolution under the seal of the association, and purporting to be signed by any officer of the association, shall be received in all courts of law as *prima facie* evidence of such by-law: Provided that notice of the time and place of holding all general or special meetings of shareholders shall be given by publishing the same in some newspaper published in the City of Toronto for four weeks prior to such meetings.

Evidence of by-laws.

Notice of meetings of shareholders.

Power to contract to sell, and by the contract to lease and reserve the purchase money as rent.

11. Upon an agreement being made by the association for the sale of any real estate, or houses or other buildings erected or to be erected by the association, it shall be lawful to carry out the said sale by way of a lease, at a rental payable in advance or otherwise, and without waiving any of the rights of a landlord; to stipulate therein, that upon the punctual payment of the rents thereby reserved, and the performance of the covenants and conditions therein contained, the property shall belong to the lessee, and that he shall therefor be entitled to a conveyance thereof; and the certificate of the manager and other chief officers of the association given by the authority of the directors, and endorsed upon the lease, shall be *prima facie* evidence that all payments have been made, and all conditions performed

up to the date thereof; thereupon, and not before, the said property mentioned in the said lease shall vest in the lessee or intending purchaser, and he shall be entitled to receive a conveyance of the lands in the said lease mentioned.

12. In case of default for three months in the payment of the rent reserved in any lease made by the association, or of the non-performance of any of the covenants therein contained, the said association shall have the right to enforce payment of the same, or to take possession of the property intended to be sold, upon giving to the intending purchaser or lessee thirty days' notice in writing to vacate and deliver back the same, and may sell the said property, and apply the proceeds of such sale to the payment of all sums of money, interest and other charges due to the association; and the said association may cause the same to be enforced either by foreclosure, or by an action or proceeding in either of the superior courts: Provided that nothing herein contained shall be construed to limit or affect the ordinary rights and remedies which the association may have under the said lease.

Powers to enforce contracts of sale.

13. The shareholders shall not be held responsible for any act, default or liability whatsoever of the association, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the association, beyond the amount unpaid upon their shares in the stock thereof.

Shareholders not liable beyond paid-up shares.

14. The association shall not commence business operations under this Act until at least forty thousand dollars of their capital stock shall have been subscribed, and ten per centum paid in.

Commencement of operations.

15. If at any time the directors consider it expedient to cease carrying on the business of the association, and to wind up and close it, they shall have power so to do in such manner as they shall deem best for the interests of the stockholders: Provided that the consent of a majority of the stockholders present at any meeting thereof be obtained thereto, in the notices for the calling of which the intention of considering the winding up thereof shall have been mentioned: Provided that all general or special meetings of the shareholders shall be published in the *Ontario Gazette* at least one month before the day appointed for such meeting.

Winding-up.

16. The said association shall lay before the Legislative Assembly of Ontario annual returns, containing a general statement of the affairs of the said association, which returns shall be presented within the first thirty days of each session of the Legislature.

Returns of affairs, &c.

17. The company shall have power to amalgamate with
RR "The Company may amalgamate with Toronto

Gravel Road
and Concrete
Co.

"The Toronto Gravel Road and Concrete Company" upon such terms as may be mutually agreed upon between the provisional directors or directors, as the case may be, of the respective companies; and upon a deed of amalgamation executed by the respective presidents or provisional presidents of the said companies being filed in the office of the Provincial Registrar, the said companies shall be deemed amalgamated, and all the provisions of the Act incorporating the said "The Toronto Gravel Road and Concrete Company" which are not inconsistent with and do not interfere with or vary the provisions of this Act shall be deemed incorporated herewith: Provided that in case stock shall have been subscribed in either of the said companies, the consent of a majority of the stockholders in each company present at any meeting called for the purpose shall be first obtained.

CAP. CXXIX.

An Act to incorporate "The Toronto Opera House Company."

[Assented to 29th March, 1873.]

Preamble

WHEREAS the persons hereinafter named have by their petition represented that they are desirous of associating themselves together for the purpose of erecting an Opera House in the City of Toronto, in the Province of Ontario, and have prayed for an Act of Incorporation; And whereas, it is expedient that such prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Charlotte Morrison, of the City of Toronto, widow; the Honourable George Brown, the Honourable M. C. Cameron, the Honourable Adam Crooks, Robert A. Harrison, Q. C., James Michie, William Gooderham, James G. Worts, John Shedden, Thomas Dick, A. T. Fulton and John McNab, all of the City of Toronto, Esquires, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic by the name of "The Toronto Opera House Company."

Corporate name.

Business of the company.

2. The company may erect, construct and maintain in the City of Toronto an opera house and other buildings appurtenant thereto, and may carry on the business usually carried on in such buildings, or may lease the same in whole or in part for the carrying on of the said business, and may reserve such portion of the said buildings as may be thought fit for occupation

cupation by tenants as shops and stores, and in like manner lease the same.

3. The company may acquire and hold by purchase, lease or other legal title, such real and personal property in the City of Toronto which it may be necessary to acquire in order the better to fulfil the purposes of this Act, and may from time to time sell, alienate and convey any of such property as the said company may think fit, and other property, real or personal, for the purposes aforesaid, from time to time to acquire and hold.

Purchase, holding and sale of real and personal property.

4. The capital stock of the company shall be the sum of fifty thousand dollars, in five hundred shares of one hundred dollars each, which said capital stock may be from time to time increased by a two-third vote of a majority in value of the shareholders at a meeting of the company called for the purpose, to any amount not exceeding one hundred thousand dollars.

Capital stock and shares.
Increasing capital.

5. The capital stock of the company shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always that the notice of any such call shall be published for three weeks in the *Ontario Gazette*, and for one week in some daily paper published in the City of Toronto.

How the stock to be paid.
If not paid promptly, interest to be charged.

Forfeiture for non-payment.

6. The stock of the company shall be deemed personal estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all the instalments called for thereon have been paid, unless declared forfeited for non-payment as aforesaid.

Stock, how assignable.

7. Aliens as well as British subjects, whether male or female and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares, and shall be also eligible to hold all offices as directors or otherwise in the said company.

Aliens may be shareholders.

8. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled

Meetings and manner of voting.

Proviso.

entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always, the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws of the company.

Directors, how elected and qualification.

Vacancies, how filled.

9. The affairs of the company shall be managed by a board of five directors, being severally holders of at least ten shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board present in person shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company by appointing any qualified shareholder thereto; but a failure to elect directors or any failure of directors shall not dissolve the corporation; and an election may be had at any general meeting of the company called for the purpose.

Powers of the board.

10. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payments of dividends; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that (if any) of the directors; the time and place for holding the annual and other meetings of the company; the calling of the meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct, in all other particulars, of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company; unless confirmed at some general meeting of the company and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

Provisional directors.

11. Until the first election of such board, Charlotte Morrison, the Honourable George Brown, R. A. Harrison, Q. C., C. S. Gzowski and James Michie shall be a provisional board of directors of the said company with full power to fill vacancies; to
open

open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done; to organize the company and conduct its affairs. So soon as directors shall have been appointed under the ninth section of this Act the powers and functions of the provisional directors shall cease.

12. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not liable as trustees.

13. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the said company, beyond the amount of their unpaid shares in the capital stock of the company.

Liability of shareholder defined.

14 Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder, and every person who pledges his stock by any instrument, disclosing the conditional nature of the transfer, may nevertheless represent the same at all meetings, and may vote accordingly as a shareholder.

Financial statement at yearly meeting.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time for the purpose of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper; and to issue bonds, debentures and other securities for the sum so borrowed; and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere as may be deemed advisable; and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge, the lands, revenues and other property of the company for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and

Company may borrow money and issue bonds.

and countersigned by the secretary of the said company, and under the seal of the said company: Provided always, that the said company shall not be authorized at any time to borrow a sum exceeding the amount of the capital stock then paid up.

Joint Stock
Companies'
Act not to ap-
ply.

16. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

Commence-
ment of opera-
tions.

17. The company shall not commence operations under this Act until three hundred shares of the capital stock shall have been subscribed, and at least ten per centum of the same has been paid in.

Subscriptions
for shares
made prior to
the passing of
this Act.

18. All subscriptions for shares made prior to the passing of this Act shall be as valid and binding upon the subscribers and upon the company as if made subsequent to the passing of this Act.

CAP. CXXX.

An Act to authorize an addition to the Capital Stock of the Consumers' Gas Company of Toronto.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Consumers' Gas Company of Toronto have petitioned for authority to increase the capital stock of the said company to enable them to meet the requirements of the rapidly increasing population of the City of Toronto and the Village of Yorkville, and it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Increase of
capital stock.

1. It shall and may be lawful to and for the said company to add to their present capital stock any sum not exceeding six hundred thousand dollars, divided into shares of fifty dollars each, provided that such increase of the capital stock shall be agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings, or at any special meeting or meetings called from time to time for that purpose.

Allotment of
new stock.

2. Any new stock of the said company to be issued on any such increase of the capital stock shall be allotted to the then shareholders of the said company *pro rata* at par: Provided always, that any of such increased stock which shall not be

taken

taken up and subscribed for by any shareholder within three months from the time when notice of the allotment thereof shall have been mailed, prepaid, in the Post Office at the City of Toronto, to his address, may be opened for subscription to the public, in such manner and on such terms as the directors of said company may determine.

3. The shares of such stock subscribed for shall be paid in by such instalments, and at such times and places, and under such regulations as the directors of said company may from time to time appoint; and executors, administrators, trustees or curators paying instalments on the shares of deceased shareholders shall be, and they are hereby respectively indemnified for paying the same. Manner of payment.

4. It shall not be obligatory upon the said company to open books of subscription or to sell or allot the whole amount of stock authorized by this Act; but the said company may from time to time limit the number of shares for which books of subscription shall be opened, or which shall be allotted, offered for sale or otherwise disposed of, to such amount as may be from time to time agreed and decided upon by a majority of the votes of shareholders present at any general or special meetings of the shareholders as aforesaid, called for that purpose. Company need not allot the whole of the new stock.

5. The notice of any special meeting or meetings of the stockholders of said company called by the directors or stockholders thereof, in pursuance of the Act of incorporation thereof, or of this Act, may be given by inserting a notice specifying the time, place, and object of such meeting in at least two daily newspapers published in the City of Toronto, in each issue thereof, during the three weeks next preceding the day fixed for such meeting. Notice meeting of shareholders.

6. All the provisions of the Act incorporating the said company, and the Acts amendatory thereof, which were or now are applicable to the present stock of the said company, not inconsistent with the provisions of this Act, shall apply to the new stock subscribed or allotted under this Act. Application of former Acts.

CAP. CXXXI.

An Act to incorporate "The Hamilton Club."

[Assented to 29th March, 1873.]

WHEREAS the persons hereinafter named with a large number of others in Hamilton have associated themselves for the establishment of a club for social purposes, and have
prayed

prayed to be incorporated by the name of "The Hamilton Club," and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

Corporate name.

Powers of corporation.

1. The Honourable Isaac Buchanan, F. W. Gates, Joseph Price, Edward Martin, D. McInnes, G. W. Burton, A. G. Ramsay, T. Swinyard, H. W. Routh, J. Robertson, John Brown, James Turner and such other persons as now are or hereafter shall become members of the said association shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of "The Hamilton Club;" and by that nameshall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure; and shall by the same name from time to time and at all times hereafter be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors to and for the actual occupation of the said corporation any lands, tenements, and hereditaments, and real and immovable property and estate situate, lying and being within the City of Hamilton; and the same to sell, alienate and dispose of whensoever the said corporation may deem it proper so to do; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever; and the constitution, rules and regulations now in force touching the admission and expulsion of members and the management and conduct generally of the affairs and concerns of the said association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules and regulations of the said corporation: Provided always, that the said corporation may from time to time alter, repeal, and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

Certain property vested in the corporation.

2. All property and effects now owned by or held in trust for the said association are hereby vested in the said corporation, and shall be applied solely to the maintenance of the said corporation.

Liability of members limited.

3. No member of the corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee, and the annual subscriptions which may remain unpaid by such member and members of the club not being in arrear for entrance fee, subscription or otherwise shall be wholly free from liability for any debt or engagement of the club. Members of the club not in arrear

Members may retire from the club.

may retire therefrom in the manner provided by the constitution and rules of the club.

4. It shall be lawful for the said corporation, with the assent of the members as hereinafter provided for, to raise or borrow either upon mortgage of the real and personal property of the corporation or by the issue of debentures secured thereon as hereinafter provided, or by the issue of stock, or partly in one way and partly in the other, or others, such sum of money as they may deem necessary, not exceeding in the aggregate the sum of forty thousand dollars. Powers to borrow money.

5. If stock be issued such stock shall be issued in shares of fifty dollars each, such stock to be subscribed for in a book to be opened for that purpose by the committee of the said club, and to be paid up in such manner and within such time as may be determined by the said committee, and shall bear interest at a rate to be fixed by the said committee. Shares.

6. If it be decided to raise or borrow the said moneys upon mortgage, the said corporation are hereby authorized to execute a mortgage upon their real and personal property or such portions thereof as they may see fit, to secure the repayment of moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon. Power to mortgage.

7. If it be decided to raise the said moneys upon debentures the said corporation may pledge and mortgage the real and personal property of the corporation or either thereof for the repayment of the moneys so borrowed and the interest thereon: such debentures may be payable to the bearer or to the order of any person, and shall pass and be transferable by delivery or indorsement thereof respectively. Power to issue debentures.

8. Provided always, that no money shall be raised in any way or manner until the consent of the majority of the members of the corporation attending in person or represented by proxy at a special meeting to be called for that purpose be first obtained; such special meeting to be called in the manner pointed out by the said constitution, rules and regulations for the calling of special meetings. Special meeting to be called before borrowing money.

9. The funds so raised shall be applied exclusively in the purchase, improvement, or erection of a club-house and dependencies, and in furnishing the same or payment of debts incurred for that or other purposes of the corporation. Application of funds.

10. The shares of such stock shall be transferable by assignment, on the books of the corporation. Transfer of stock.

11. Each holder of such stock duly paid up shall be a proprietor of an undivided share of the real estate of the corporation and of the buildings thereon to be erected, subject to any lien or mortgage, or debentures (if any), theretofore granted or issued thereon or to be granted under this Act. Rights of shareholders.

Paying off
stock.

12. It shall be competent to the said corporation to pay off so much of the said stock, from time to time, as the said committee may deem desirable; the share or shares to be paid off to be selected by the committee by lot or drawings.

Mode of pay-
ment.

13. Such payment may be made by depositing in any of the chartered banks in the City of Hamilton, to the credit of the holder or holders of such share or shares, the amount of such share or shares and of all dividends unpaid thereon, and depositing a notice to that effect in a letter post-paid and deposited in the post-office at Hamilton, addressed to the person who shall, on the books of the corporation, appear to be the owner of said shares, at the post-office address of such holder as stated in said books, and thereupon such share or shares shall *ipso facto* cease to exist.

Winding up
the affairs of
corporation.

14. If at any time twenty-five or more members of the said corporation shall deem it desirable to wind up the affairs of the said corporation, it shall be lawful for them to call a special meeting of the members of the corporation, to consider the advisability of winding up the affairs of the corporation, provided the notice of such meeting stating distinctly the object thereof be published in one or more of the daily newspapers published in the City of Hamilton for thirty clear days prior to the holding of such meeting, and a notice, also distinctly stating the object of such meeting, be posted, prepaid, to the address of each member of the corporation as shewn on the books thereof; and if a majority of three-fourths in number of the members of such corporation present or represented by proxy at such meeting, resolve to wind up the affairs of such corporation, it shall be the duty of the officers of such corporation to proceed forthwith to wind up the affairs thereof, and for that purpose to sell and dispose of all the property and assets of the corporation, subject to any lien or encumbrance (if any) existing thereon, and with the proceeds thereof to pay the debts and liabilities of such corporation, and divide the surplus thereof *pro rata* amongst the members of such corporation.

CAP. CXXXII.

An Act to incorporate "The Cobourg Hotel Company."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS William P. Chambliss, William Irvine Stanton, Charles Gifford, John Douglas Armour, Edward Sheldon Winans, Peter McCallum, William Kerr, Andrew Hewson, Robert Roderick Pringle and William Hargraft, all of the Town

Town

Town of Cobourg, Esquires, have by their petition represented that they, together with Peter McCallum the younger, William Butler, John Henry Dumble, John Wesley Kerr, Dorothea Dooly, George Guillet, John Whitelaw, Robert Mulholland, Peter Brown, William Battell, William York, George Waters, Richard James Winch, John Butler, William Delaney, Robert Needham Waddell, William Jeffrey, Francis J. Hall, William Graham, David H. Minaker, George Stevens, John Vance Boswell, David Campbell, Franklin House, John Thomas Holman, Timothy O'Neill, John A. Polkinghorne, John Gillbard, John Thompson, Henry Smith, John Fowler, Charles W. MacKechnie, James Crossen, John C. Field, Corelli C. Field and William H. Floyd, all of the said Town of Cobourg, are desirous of establishing an hotel in the Town of Cobourg, and for that purpose have subscribed the sum of fifteen thousand two hundred dollars, whereof four thousand six hundred dollars has been paid in cash into the agency of the Bank of Toronto at Cobourg, and have by their said petition prayed that they, together with Peter McCallum the younger, William Butler, John Henry Dumble, John Wesley Kerr, Dorothea Dooly, George Guillet, John Whitelaw, Robert Mulholland, Peter Brown, William Battell, William York, George Waters, Richard James Winch, John Butler, William Delaney, Robert Needham Waddell, William Jeffrey, Francis J. Hall, William Graham, David H. Minaker, George Stephens, John Vance Boswell, David Campbell, Franklin House, John Thomas Holman, Timothy O'Neill, John A. Polkinghorne, John Gillbard, John Thompson, Henry Smith, John Fowler, Charles W. MacKechnie, James Crossen, John C. Field, Corelli C. Field and William H. Floyd, all of the said Town of Cobourg, may be incorporated under the name of the Cobourg Hotel Company; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon, from and after the passing of this Act the said Incorporation.
 William P. Chambliss, William Irvine Stanton, Charles Gifford, John Douglas Armour, Edward Sheldon Winans, Peter McCallum, William Kerr, Andrew Hewson, Robert Roderick Pringle, William Hargraft, Peter McCallum the younger, William Butler, John Henry Dumble, John Wesley Kerr, Dorothea Dooly, George Guillet, John Whitelaw, Robert Mulholland, Peter Brown, William Battell, William York, George Waters, Richard James Winch, John Butler, William Delany, Robert Needham Waddell, William Jeffrey, Francis J. Hall, William Graham, David H. Minaker, George Stephens, John Vance Boswell, David Campbell, Franklin House, John Thomas Holman, Timothy O'Neill, John A. Polkinghorne, John Gillbard, John Thompson, Henry Smith, John Fowler, Charles W. MacKechnie, James Crossen, John C. Field, Corelli C. Field and
 William

Corporate
name.

Powers to ac-
quire lands,

and sell

erect hotel,
carry on busi-
ness, and lease

Present prop-
erty vested in
the corpora-
tion.

Capital stock.

Transfer of
shares.

William H. Floyd, and all such other persons as shall become shareholders in the said undertaking, shall be, and they are hereby declared to be a body politic and corporate in deed and in name by the name of "The Cobourg Hotel Company;" and by that name shall have perpetual succession and a common seal; and shall have power from time to time to alter, renew, or change such common seal at their pleasure, and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors such lands, tenements and hereditaments, and real and immoveable property and estate, lying and being within the Town of Cobourg, as may be necessary for the actual use or occupation of the corporation for an hotel and its dependencies; and the same from time to time to sell, alienate and dispose of whensoever the said corporation may deem it proper so to do; and by the same name shall and may be able and capable in law to contract and be contracted with, sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever; and may erect, construct and complete in the said Town of Cobourg, a first-class public hotel and other buildings necessary thereto; and maintain and carry on the business of hotel-keepers in the said buildings; or may from time to time lease the same or the grounds belonging thereto, in whole or in part, for the carrying on of the said business.

2. All property and effects now owned by or held in trust for the said undertaking are hereby vested in the said corporation, and shall be applied solely to the maintenance of the said corporation.

3. The capital stock of the company shall be the sum of thirty thousand dollars, in shares of one hundred dollars each; and the stock already subscribed towards the undertaking shall be taken to be, and shall be entered on the books of the company incorporated by this Act as stock thereof, and the present holders of such stock shall have credit thereon for whatever sums may have been paid thereon, and shall only be liable further upon and to the amount still unpaid at the passing of this Act upon the said stock by them respectively held; and the said subscriptions so taken before the passing of this Act shall be deemed to be as valid and binding on the subscribers as if the same were made after the passing of this Act; and the stock books of the said company shall be continued open after the passing of this Act under such regulations as a majority of the directors may determine upon until the full amount of the capital stock is subscribed.

4. The shares of such stock shall be assignable by delivery and surrender of the certificates to be issued to the holders of such shares respectively, and by assignment on the books of the corporation.

5. The said company may borrow money to the extent of three-fourths of its capital, for the purpose of carrying on its establishment, when at any general or special meeting of the shareholders, called for that purpose, a vote to that effect shall be carried by two-thirds of the votes at the said meeting, recorded personally or by proxy; and as security for moneys so borrowed by the said company, the said company may mortgage the whole or any part of its real or personal estate to an amount not exceeding two-thirds of its actual value; and may issue debentures pledging all the said real and personal estate of the said company for payment of principal and interest accruing due on the same: Provided always, that the said debentures are for amounts not less than one hundred dollars each, and that a certificate, as they are issued under the seal of the said company, and the signature of the president or secretary, shall be filed in the office for the registration of titles to land, in the West Riding of the County of Northumberland; which certificates shall be open to inspection by any persons on the payment of twenty-five cents for each inspection.

Power to borrow,

so and mortgage, and issue debentures.

Provido.

6. If, at any general meeting to be specially called for the purpose, it shall be deemed expedient to wind up the affairs of the said company, and to sell or otherwise dispose of its real and personal property, then upon a resolution to that effect being carried by two-thirds of the votes at the said meeting, recorded personally or by proxy, it shall be lawful for the directors of the company for the time being to wind up the affairs of the said company, and to sell and dispose of its real and personal estate; and after having paid all the debts due by the said company, to divide the surplus (if any there shall be) amongst the then shareholders, share and share alike, according to the number of shares held by each respectively.

Power to wind up.

7. The first directors under this Act shall be the said William P. Chambliss, William Irvine Stanton, Charles Gifford, John Douglas Armour, Edward Sheldon Winans, Peter McCallum, William Kerr, Andrew Hewson, and Robert Roderick Pringle; and they shall hold office till the first general meeting of the shareholders after the passing of this Act, which meeting shall be called by the said directors within three months after the passing of this Act; and thereafter the directors shall be elected at such time and place as shall be by the by-laws of the said company provided.

First directors.

Time and place of election of directors.

8. The affairs of the company shall be managed by a board of not less than three nor more than nine directors.

Board to manage.

9. No person shall be elected or chosen as a director unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon.

Qualification of directors.

10. The directors of the company shall be elected by the shareholders,

Directors to be elected as pre-

scribed by by-laws. shareholders, in general meeting of the company assembled, at such times, in such wise, and for such term, as the by-laws of the company may prescribe.

Election of directors in absence of by-law on the subject.

11. In default only of other express provisions in such behalf by the by-laws of the company—

(a) Such election shall take place yearly, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election;

(b) Notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at or near as may be to the office or chief place of business of the company;

(c) At all general meetings of the company, every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy;

(d) Election of directors shall be by ballot;

(e) Vacancies occurring in the board of directors may be filled, for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company;

(f) The directors shall, from time to time, elect from among themselves a president of the company, and shall also name and remove at pleasure all other officers thereof.

Case of election not being had at the proper time.

12. If, at any time, an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company, duly called for that purpose.

Powers of directors.

13. The directors of the company shall have full power in all things to administer the affairs of the company; and may make, or cause to be made for the company, any description of contract which the company may by law enter into; and may, from time to time, make by-laws, not contrary to law; to regulate the allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock, and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the number of the directors; their term of service; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers, and servants of the company; the security to be given by them to the company; their remuneration, and that (if any) of the directors; the time at which, and the place or places where, the annual meetings of the company shall be held, and where the business of the company shall be conducted; the calling of meetings, regular and special, of the board of directors, and of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures, admitting of regulation by by-law; and the conduct in all other particulars

particulars of the affairs of the company; and may, from time to time, repeal, amend, or re-enact the same; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall, from that time only, cease to have force.

By-laws of directors to be confirmed by shareholders.

14. A copy of any by-law of the company, under their seal and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all Courts of Law or Equity in this Province.

Evidence as to by-law.

15. The stock of the company shall be deemed personal estate; and shall be transferable in such manner only and subject to all such conditions and restrictions as by this Act of Incorporation, or by the by-laws of the company, shall be prescribed.

Stock to be personal estate; how transferable.

16. The directors of the company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed, at such time and places, and in such payments or instalments, as the by-laws of the company may require or allow; and interest shall accrue and fall due at the rate of six per centum per annum upon the amount of any unpaid call from the day appointed for payment of such call.

Calls, interest thereon.

17. The company may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under their seal and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

Calls, suits therefor, and evidence.

18. If, after such demand or notice as by the by-laws of the company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company, and may be disposed of, as by by-law or otherwise they shall ordain.

Forfeiture of shares for non-payment of calls.

Shares not transferable if calls in arrear.

19. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon or sold under execution.

Shareholders in arrears for calls not to vote.

20. No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the company.

Increase of capital stock.

21. The directors of the company, if they see fit at any time after the whole capital stock of the company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount which they may consider requisite in order to the due carrying out of the objects of the company; but no such by-law shall have any force or effect whatever until after it shall have been sanctioned by a vote of not less than two-thirds in amount of all the shareholders, at a general meeting of the company duly called for the purpose of considering such by-law, nor until a copy thereof, duly authenticated, shall have been filed, as hereinafter mentioned, with the Provincial Secretary, or such other officer as the Lieutenant-Governor in Council may direct.

By-laws on increase of stock, as to allotment.

22. Any by-law for increasing the capital stock of the company shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the directors.

Publication of notice of by-law to increase stock.

23. The company may, within six months after a duly authenticated copy of such by-law has been filed with the Provincial Secretary, or such other officer as the Lieutenant-Governor in Council may have named for the purpose, require and cause a notice, under the signature of the Provincial Secretary or other proper officer, to be inserted in the *Ontario Gazette*, that such by-law has been passed and filed as aforesaid, and stating the number and amount of the shares of new stock, the amount actually subscribed, and the amount paid in respect thereof; and from the date of such notice the capital stock of the company shall be and remain increased to the amount, in the manner and subject to the conditions set forth by such by-law, and the new stock shall become subject to all the provisions of law in like manner (so far as may be) as though the same had formed part of the stock of the company originally subscribed.

Books to be kept by the secretary.

24. The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded—

A correct copy of the Act of Incorporation incorporating the company, as also of any and every by-law thereof;

The names, alphabetically arranged, of all persons who are or have been shareholders;

The address and calling of every such person while such shareholder;

The

The number of shares of stock held by each shareholder ;

The amounts paid in and remaining unpaid respectively on the stock of each shareholder ;

All transfers of stock in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof ; and

The names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director.

25. The directors may refuse to allow the entry into any such book, of any transfer of stock, whereof the whole amount has not been paid in ; and no transfer made with the view of relieving the transferor from the preexisting debts of the company shall be valid, or prevent any antecedent creditor from exercising his remedy against such transferor, in the same way as if he had continued to be a shareholder in such company : Provided that nothing in this section shall prevent the effect of chapter seventy of the Consolidated Statutes of Canada as regards any such stock seized and sold in execution.

Provisions as to transfer of stock in case of calls due and debts due by company.

26. No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the company and their creditors, until entry thereof has been duly made in such book or books.

Transfers of stock invalid unless entered in the books.

27. Such books shall, during reasonable business hours of every day, except Sunday and obligatory holidays, be kept open for the inspection of shareholders and creditors of the company and their personal representatives at the office or chief place of business of the company ; and every such shareholder, creditor or representative may make extracts therefrom.

Books to be open to inspection.

28. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated in any suit or proceeding against the company, or against any shareholder.

Books to be *prima facie* evidence of the matters therein.

29. Every director, officer or servant of the company who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry and for each such refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby.

Penalty for untrue entries.

30. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the shareholder in whose

Company not bound by trusts as to shares.

whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

Company may
become parties
to bills and
notes.

31. The said company may become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the president of the company, or vice-president, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of directors, shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a bank.

Liability of
shareholders
to extent of
amount unpaid
on shares.

32. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Liability of
shareholders
to extent of
amount unpaid
on shares.

33. The shareholders of the company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

Stock in the
hands of ex-
ecutors, etc.

34. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator, or intestate, or the minor, ward, or interdicted person, or the person interested in such trust fund would be if living and competent to act and hold such

such stock in his own name, and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

35. Every such executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Rights of executors, etc., at meetings.

36. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively: but if any director present when such dividend is declared do forthwith, or if any director then absent do within twenty-four hours after he shall have become aware thereof, and able so to do, enter on the minutes of the board of directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at or as near as may be possible to the office or chief place of business of the company, such director may thereby and not otherwise exonerate himself from such liability.

Liability of directors for improperly declaring dividends.

37. No loan shall be made by the company to any shareholder, and if such be made, all directors and other officers of the company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the company for the amount of such loan, and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of such loan to that of the repayment thereof.

Loans by the company to shareholders.

38 Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Actions between company and shareholders.

CAP. CXXXIII.

An Act to vest certain lands situate in the City of London, in "The electoral division of the East Middlesex County Agricultural Society," and to enable the said Society to convey the same.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the lands hereinafter mentioned and described were on the tenth day of February, one thousand eight hundred and fifty-five, conveyed by one John B. Askin to "The County Agricultural Society of the County of Middlesex;" And whereas, after the making of such conveyance, agricultural societies for the electoral divisions of the east and west ridings of the said County of Middlesex were formed under the provisions of the statute in that behalf; And whereas, the property real and personal held by the said "The County Agricultural Society of the County of Middlesex" was, under the provisions of the statute in that behalf, apportioned and divided between the said societies, and upon such apportionment and division the said lands were allotted to "The Electoral Division of East Middlesex County Agricultural Society," but no conveyance thereof was made to the said last mentioned society, and no provision is made by statute for the conveyance thereof; And whereas, the said "The Electoral Division of East Middlesex County Agricultural Society" have presented their petition, praying that the said lands may be vested in them and that they may be enabled to convey the same; and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain lands in the City of London vested in the electoral division of East Middlesex County Agricultural Society.

1. The said lands mentioned in the said conveyance, being all and singular that certain parcel or tract of land and premises situate, lying, and being in the City of London, in the County of Middlesex, containing by admeasurement ten acres, be the same more or less, and being composed of that block of land granted by the Crown to the said John B. Askin, which may be known and described as lying and being all that parcel of land, between St. James' Street on its northern limit, and Oxford Street on its southern limit, and extending from the western side of Great Talbot Street to the River Thames, and which parcel of land may be otherwise known as lots numbers eighteen, nineteen, twenty, twenty-one and twenty-two, west of Great Talbot Street, together with the piece of land lying between the said last mentioned lots and the River Thames, are hereby vested in the said "The Electoral Division of East Middlesex County Agricultural Society," their successors and assigns,

assigns, for all the estate and interest which passed to the said "The County Agricultural Society of the County of Middlesex," by the said conveyance thereof from the said John B. Askin to the said last mentioned society.

2. The said "The Electoral Division of East Middlesex County Agricultural Society" may sell, convey and dispose of the said lands, including the said streets or allowances for road, in fee simple. Society to have power to sell the lands.

CAP. CXXXIV.

An Act to enable the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society to amalgamate with the Agricultural Investment Society and Savings Bank.

[Assented to 29th March, 1873.]

WHEREAS it is desirable to grant to "The London Freehold and Leasehold Land Benefit Building Society," and "The London Union Savings Loan and Permanent Investment Society" the power of amalgamating with "The Agricultural Investment Society and Savings Bank." Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon the execution by the President and Treasurer for the time being of the London Freehold and Leasehold Land Benefit Building Society, and by the President and Treasurer for the time being of the London Union Savings Loan and Permanent Investment Society, and by the President and Treasurer for the time being of the Agricultural Investment Society and Savings Bank, of a declaration to the effect that it is their intention that an amalgamation of their three societies shall take place; and upon such declaration being filed in the office of the Clerk of the Peace for the County of Middlesex, for which the said clerk shall receive the sum of fifty cents, the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society shall forthwith be amalgamated with and shall merge in the Agricultural Investment Society and Savings Bank; and all the real and personal estate, property, assets and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Amalgamation of the societies.
Property of the societies.

Powers of new
society.

and Permanent Investment Society shall vest in the Agricultural Investment Society and Savings Bank, and shall thenceforward for all purposes of bringing or defending actions or suits, and for all other purposes whatsoever, be deemed to be and shall be stated to be the property of the President and Treasurer for the time being of the Agricultural Investment Society and Savings Bank, for the use of the said The Agricultural Investment Society and Savings Bank, in the same manner and to the same extent to which the property now of the said last named society is stated, deemed, and taken to be the property of its President and Treasurer for the time being; and the Agricultural Investment Society and Savings Bank shall have the same powers, rights and privileges in relation to the said property of all descriptions as the London Freehold and Leasehold Land Benefit Building Society and the London Union Savings Loan and Permanent Investment Society now have or shall have, respectively, at the time of such amalgamation; but no suit, action or prosecution being carried on or power being exercised in the names of the President and Treasurer of the London Freehold and Leasehold Land Benefit Building Society, or in the names of the President and Treasurer of the London Union Savings Loan and Permanent Investment Society shall be discontinued or abated by or on account of such amalgamation, but shall continue in their names, and the Agricultural Investment Society and Savings Bank shall have the same rights and liabilities, and shall pay or receive like costs, as if the action, suit or prosecution had been commenced or been defended in the names of the President and Treasurer of the Agricultural Investment Society and Savings Bank, for the benefit of, or to be satisfied by, the Agricultural Investment Society and Savings Bank.

Liabilities of
amalgamated
societies.

2. The liabilities of the London Freehold and Leasehold Land Benefit Building Society, and of the London Union Savings Loan and Permanent Investment Society (except liabilities incurred in and about the organization thereof, and for salaries of officers and all other expenses connected with the management of the affairs thereof, up to the time when such amalgamation shall take effect) shall be assumed and paid by the said The Agricultural Investment Society and Savings Bank; but all expenses incurred by either of the said three societies, in or about their organization, or for salaries of officers, and all other expenses connected with the management of the affairs thereof, up to the time when such amalgamation shall take effect, shall be paid or borne by the respective societies by whom or on whose account the same have been or shall be incurred.

Profits, how
distributed.

3. All profits earned by either of the said three societies, up to the time when such amalgamation shall take effect, including premiums on stock (if any), shall belong to and be retained by
the

the respective societies by whom the same have been or shall be earned.

4. Within thirty days after such amalgamation shall take place, there shall be allotted to the shareholders of the said ^{Allotment of shares.} The London Freehold and Leasehold Land Benefit Building Society, in proportion to and in lieu and extinguishment of their stock in that society, shares in the Agricultural Investment Society and Savings Bank to the amount of one hundred and five thousand dollars par value, and to the shareholders of the London Union Savings Loan and Permanent Investment Society in proportion to and in lieu and extinguishment of their stock in the said last named society, shares in the Agricultural Investment Society and Savings Bank to the amount of seventy thousand dollars par value, and the shareholders of such societies shall have credit on account of the said shares on the books of the Agricultural Investment Society and Savings Bank for payments which shall, at the time of such amalgamation taking effect, have been made on account thereof, and such payments shall be credited to them, respectively, as having been made on the day upon which such amalgamation shall take place; and the holders of such allotted shares shall in all things be subject to the same rules and entitled to the same rights and privileges as the original shareholders of the Agricultural Investment Society and Savings Bank.

5. In the event of the subscribed shares of the said The ^{Allotment of shares.} London Freehold and Leasehold Land Benefit Building Society and of the London Union Savings Loan and Permanent Investment Society being, at the time when such amalgamation shall take place, reduced by withdrawals or otherwise below the amounts of stock to which the said two last named societies, or either of them, are respectively entitled, as provided by the fourth section of this Act, the amount of stock to which the two last named societies, respectively, (in which such reduction shall have taken place) shall be entitled in the Agricultural Investment Society and Savings Bank, shall be reduced to a sum equal to the then subscribed shares of such society or societies, and in ascertaining the number of the then subscribed shares, no share upon which at least one monthly payment shall not have been made shall be computed.

6. Richard Tooley, Esquire, M. P. P., Dorchester; John ^{Directors.} Wright, Esq., Builder, City of London; Samuel McBride, Esq., J. P., City of London; Richard Bayly, Esq., Barrister, City of London; Andrew McCormick, Esq., J. P., City of London; James Owrey, Esq., J. P., Westminster; John Burnett, Esq., Merchant, City of London; George Birrell, Esq., of J. Birrell & Co., City of London; Thomas Peel, Esq., of the City of London; A. T. Chapman, Esq., of Smith, Chapman & Co., City of London; D. Regan, Esq., of the City of London, and William Glass, Sheriff of the County of Middlesex, shall be the directors

directors of the said The Agricultural Investment Society and Savings Bank, and shall hold office until the second Wednesday in the month of February next after such amalgamation shall take place.

Permanent
or invested
shares.

7. The shares known as permanent or invested shares in the said The London Freehold and Leasehold Land Benefit Building Society and the London Union Savings Loan and Permanent Investment Society shall upon such amalgamation be and become invested shares and fixed or permanent capital in the Agricultural Investment Society and Savings Bank in the same manner and under the same rules as if the same had originally been subscribed in the said last mentioned society, and had become such invested shares or fixed or permanent capital in the said last mentioned society on the day of the said amalgamation taking effect: Provided however, that any of the holders of such shares may, nevertheless, at any time within three months from the date of such amalgamation, convert the whole or any number of their permanent shares into an equal number of paid up accumulating shares, being shares subscribed for investment but not yet matured, and of the class which matures in fifty months, according to the rules of the Agricultural Investment Society and Savings Bank, which shares shall not be withdrawable from the said society before the expiration of the said fifty months, save with the consent of the directors thereof; and such conversion shall be effected by the member who intends to effect the same, subscribing in respect of such shares to the rules of the Agricultural Investment Society and Savings Bank, in the usual way as when subscribing for shares, and at the same time declaring his intention in writing to convert such permanent shares into paid up accumulating shares, withdrawable from the Agricultural Investment Society and Savings Bank at the end of fifty months, said conversion to be applied for within three months after the passing of this Act.

Rights of
creditors of
amalgamated
societies.

8. The creditors of the London Freehold and Leasehold Land Benefit Building Society, and of the London Union Savings Loan and Permanent Investment Society shall, upon such amalgamation, be and become to all intents and purposes creditors of the Agricultural Investment Society and Savings Bank; and shall have and be entitled to the same rights and privileges as creditors of the Agricultural Investment Society and Savings Bank, as they previously had been and were entitled to as creditors of the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society, or either of them.

Act not to
apply unless
confirmed by
a vote of the
stockholders.

9. This Act shall be subject to and shall not come into force or effect until approved of by a vote of two-thirds of the shareholders of each of the said societies, present in person or by proxy at meetings of the said several societies to be specially called for that purpose, but such approval if given at all must be

be so given within thirty days from and after the passage of this Act.

10. In the event of this Act being approved of by the shareholders of the Agricultural Investment Society and Savings Bank, and by the shareholders of one only of the other societies so empowered to amalgamate therewith in the way provided in the last preceding section, such society shall nevertheless be amalgamated with the Agricultural Investment Society and Savings Bank as fully and effectually to all intents and purposes as if all the said societies approved of such amalgamation; and this Act shall be read and construed as if the dissentient society were not named therein, and the declaration in the first section of this Act referred to shall be altered accordingly. And the directors mentioned in the sixth section of this Act who have been nominated to act for such dissentient society shall not be empowered to act as such directors, and their places shall be filled in accordance with the rules of the Agricultural Investment Society and Savings Bank.

Provisions in case only one society amalgamated.

CAP. CXXXV.

An Act respecting the property of Religious Institutions in the Province of Ontario.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. When any religious society or congregation of Christians in Ontario desire to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing-office, or for any other religious or congregational purpose whatever, such society or congregation may appoint trustees, to whom, and their successors to be appointed in such manner as may be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed; and such trustees and their successors, in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, and maintain and defend actions in law or equity for the protection thereof, and of their property therein.

When religious societies desire to take conveyances for site of a church, &c., conveyance may be made to trustees.

Powers of Trustees.

2. When a debt has been or may be hereafter contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building,

Mortgages allowed in certain cases.

ing,

ing, on land held by trustees, for the benefit of any religious society in Ontario, or for the purchase of the land on which the same has been, or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof, by a mortgage upon the land, church, meeting-house, chapel, book-store, printing-office or other building; or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

Powers to lease.

3. The grantees in trust named in any letters patent from the Crown or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the letters patent, whereby lands are granted for the use of a congregation or religious body, and any other trustees for the time being entitled by law to hold lands in trust for the use of a congregation or religious body, may lease, for any term not exceeding twenty-one years, lands so held by them for the use of a congregation or religious body, at such rents and upon such terms as the trustees or a majority of them deem reasonable.

Powers to agree in leases to renew and pay for improvements by lessee.

4. In such lease they may covenant or agree for the renewal thereof at the expiration of any or every term of twenty-one years, for a further term of twenty-one years or a less period, at such rent and on such terms as may then by the trustees for the time being be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements which may, at the expiration of any term, be on the demised premises; and the mode of ascertaining the amount of such rents or the value of such improvements may also be specified in the original lease.

Consent of *cestuis que trust* requisite before leasing—consent, how signified.

5. But the trustees shall not so lease without the consent of the congregation or religious body for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose; nor shall the trustees lease any land which, at the time of making the lease, is necessary for the purpose of erecting a church or place of worship or other building thereon, or for a burial ground for the congregation for whose use the land is held.

Remedies to trustees for rent in arrear.

6. The trustees for the time being, entitled by law to hold land in trust for a congregation or religious body, may, in their own names, or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords in other cases are entitled to take.

Sales, when

7. When land held by trustees for the use of a congregation
or

or religious body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the trustees for the time being may give public notice of an intended sale, specifying the premises to be sold and the time and terms of sale; and after publication of the notice for four successive weeks in a weekly paper published in or near the place where the lands are situated, they may sell the land at public auction according to the notice; but the trustees shall not be obliged to complete or carry a sale into effect, if in their judgment an adequate price is not offered for the land: Provided however, that this provision shall not affect or vary any special powers or trusts for sale contained in any deed or instrument, and inconsistent herewith.

8. The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at public sale. Private sales.

9. Before any deed of conveyance is executed in pursuance of a public or private sale, the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained for the execution of the said deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose, and such assent shall be held in favour of the grantee and his assigns to be conclusively testified by the execution of said deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute said deed as chairman, official head or appointee, shall be presumed to be such chairman, official head or appointee (as the case may be), or instead of such assent of the congregation or religious body aforesaid, it shall be sufficient for the validity of any such deed of conveyance, that the sale be sanctioned, and the deed approved of by the judge of the county court of the county in which the land sold is situate. Before conveyance cestuis que trust to be notified, and sanction of the court obtained

10. It shall be lawful for any congregation or society of Christians, of any denomination, on whose behalf lands in this Province are now, have been, or hereafter shall be held by a trustee or trustees, without the manner of appointing successors being set forth in the deed of grant, conveyance, will or devise of such lands, or who may be entitled to any lands without being a body corporate, at any time hereafter to assemble in a public meeting duly convened by notice in writing, signed by at least five members of such congregation or society, and affixed to the door of their place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting, by the votes of a majority of the members of such congregation or society then and there present, to determine in what manner the successors to such trustee or trustees shall be appointed out of the members of the Power to convene public meeting, and determine how successors to trustees be appointed, or trustees.

the religious denomination on whose behalf such lands were originally granted, conveyed or conceded, or to appoint a trustee or trustees of any lands to which the said congregation or society is entitled, and their successors in the trust.

Record of proceedings.

11. A record of the proceedings of such meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of such society or congregation, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the chairman or secretary, on oath (or affirmation) before a justice of the peace, shall be recorded in the registry office of the county or registration division in which the property is situate; and a copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the registrar of the registration division wherein the same shall have been registered, according to this section, shall be *prima facie* evidence of the contents thereof.

Deposit and registry thereof.

Copy as evidence.

The determination at the meeting to have the effect of a clause in the deed of grant.

12. Such determination shall, in every such case, have the same effect as a clause in the deed of grant, concession or conveyance of the lands to which it relates, setting forth the manner of appointing successors to the trustee or trustees named, would have; and any lands to which any religious congregation or society, not being incorporated, is entitled, shall from time to time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned and in the successors in the trust, immediately upon the registration of the proceedings in the last preceding section mentioned, and without any or further conveyance or instrument whatsoever.

Lands of unincorporate bodies to vest in the trustees appointed on registry.

The case of two societies desirous to build a house of worship.

13. When members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious bodies so united shall have the like powers as conferred on trustees under this Act, and no others; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the congregation or religious body, the trustees under this section shall obtain the sanction or assent of each and every of the congregations or religious bodies so united, to be ascertained and signified in the manner hereinbefore mentioned.

Conveyances executed within twelve months herefrom to be as valid as if

14. All deeds of conveyance executed before the passing of this Act, for any of the uses, interests or purposes enumerated therein, shall be as valid and effectual, if the same shall have been registered before the expiration of twelve months after

after the passing of this Act, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same lands respectively: Provided always, that in all cases where any such religious bodies have not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate or property included in any such deed on account of the omission to register the same, shall, in virtue of such claim, have taken possession of such real estate before the passing of this Act, and also in all cases where the persons claiming to hold or to be entitled to such real property, on account of such omission as aforesaid, shall have actually sold or departed with, or shall have actually contracted to sell or depart with such real estate before the passing of this Act, the provisions of this section shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed.

registered within twelve months from execution, except in case of prior registries.

Proviso as to certain cases of adverse right.

15. The trustees of any lands to which the provisions of this Act may apply, shall, within twelve months after the execution of the deed of conveyance, cause the deed to be registered in the office of the registrar of the county or riding in which the land is situate, or otherwise the same shall be void; and further, such deed shall be subject to the law affecting priority of registration in the same manner as if made between private parties.

Conveyances to be registered within twelve months, and subjected to the registry laws.

16. Trustees selling or leasing land under the authority of this Act shall, on the first Monday in July in every year, have ready and open for the inspection of the congregation or religious body which they represent, or of any member thereof, a detailed statement, showing the rents which accrued during the preceding year, and all sums of money whatever in their hands, for the use and benefit of the congregation or religious body, which were in any manner derived from the lands under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the congregation or body.

Trustees to exhibit accounts as to lands sold and leased.

17. All the rights and privileges conferred upon any religious society or congregation of Christians in the first section of this Act mentioned, shall extend, in every respect, to the Roman Catholic Church, to be exercised according to the government of the said church.

Sec. 1 extended to Roman Catholic churches.

18. The Act chaptered sixty-nine, of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the property of Religious Institutions in Upper Canada;" the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered forty-three; the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign,

Repeal of certain Acts.

reign, and chaptered forty-three; the Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-nine; the Act passed in the thirty-second year of Her Majesty's reign, chaptered fifty; and the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty-six, are hereby respectively repealed, saving any rights, proceedings or things legally had, acquired or done under the said Acts, or any of them.

This Act not to affect special Acts as to religious bodies.

19. This Act shall not be construed so as in anywise to repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province, but on the contrary, any of the said provisions, while differing from or inconsistent with any of the provisions of this Act, shall prevail, and where any additional rights or privileges are conferred by this Act, these shall be construed as supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance, or other instrument, shall not be affected or varied by any of the provisions of this Act.

Powers of religious societies as to holding lands.

20. Any religious society or congregation of Christians in Ontario may, by the name thereof, or in that of trustees, from time to time take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said religious society or congregation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said religious society or congregation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said religious society or congregation, who shall have power in the name thereof, or in that of the trustees for said society or congregation, to grant and convey the said lands to any purchaser, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said society or congregation; and such lands, tenements, or interests therein, or such thereof which may not, within the said period, have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

CAP. CXXXVI.

An Act relating to Christ Church, Ottawa.

[Assented to 29th March, 1873.]

WHEREAS the Rev. J. S. Lauder, rector, and the Honourable John Simpson and Charles Magee, Esquires, churchwardens of Christ Church, in the City of Ottawa, in pursuance of resolutions passed at special meetings of the vestry of said church, held after due notice on the thirtieth day of January, and the nineteenth day of November, in the year of our Lord one thousand eight hundred and seventy-two, have petitioned for an Act authorizing them to issue debentures for such an amount as will be sufficient, with the funds otherwise realized, to defray the cost of completing their new church now in course of construction, and for other purposes in the said petition mentioned; And whereas it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The rector and churchwardens of the church aforesaid, and their successors as such, are hereby authorized and empowered to execute and issue debentures, in currency or sterling, to such an amount as may be necessary to defray the cost of completing their new church, known as Christ Church, not exceeding in the whole the sum of twenty thousand dollars, in such sums, not less than one hundred dollars each, at such rate of interest, and redeemable at such times and places, as they may determine; and the money to be raised by the issue of the said debentures shall be applied solely to the completion of the said new church, and the redemption of the mortgage herein-after mentioned on the parsonage lots.

Power to rector and churchwardens to issue debentures to complete new church.

2. The debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the property of the said vestry as hereinafter specified; and each holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the now unencumbered church lots numbered twenty-one on the south side of Sparks Street, and number twenty-one on the north side of Queen Street, in the City of Ottawa aforesaid; and, so soon as a mortgage thereupon of two thousand six hundred dollars shall have been redeemed as aforesaid out of the proceeds of the said debentures, upon the parsonage lots number twenty-two on the south side of Sparks Street and number twenty-two on the north side of Queen Street, in the city aforesaid, with all buildings and edifices

Security of debenture holders.

fices which now are, or hereafter may be, erected upon the four lots above mentioned, and also upon a policy or policies of insurance for the full amount of the debentures issued, to be effected upon the said buildings and edifices.

Interest, how
secured.

3. The interest of the said debentures shall be the first charge upon the assessments of proprietary and the rents of vestry pews, and it shall be the duty of the churchwardens in each year, out of the revenues of the church, to pay the whole interest falling due in such year, and also to lay by and invest safely such sum yearly as may be required to form a sinking fund sufficient to pay off the principal of the said debentures as it becomes due.

Sinking fund.

29 V., c. 99,
repealed.

4. The provisions of the Act of the Legislature of the late Province of Canada, passed in the twenty-ninth year of the reign of Her Majesty Queen Victoria, chaptered ninety-nine, for preventing the minister and churchwardens of Christ Church from borrowing a larger sum than three thousand dollars upon the security of the parsonage lots hereinbefore mentioned is hereby repealed.

Liability of
the debenture
holders.

5. No person advancing money on the debentures authorized by this Act to be issued shall be in any way bound to see to the application of the money so advanced.

CAP. CXXXVII.

An Act to incorporate "The Temporal Committee of Knox Church, in the City of Ottawa."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Kirk Session and Temporal Committee of Knox Church, in the City of Ottawa, in communion with the Canada Presbyterian Church, have by their petition represented that it is the opinion of the congregation of the said church, expressed at a general meeting of the congregation thereof, that the Temporal Committee of the said church should be incorporated, and that the lands and other property of the said congregation held in the names of trustees should be vested in the said Temporal Committee and their successors, to be elected at the annual meetings of the said congregation; and have prayed that the said Temporal Committee should be incorporated with the powers hereinafter contained; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent
of

of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Robert Blackburn, Hiram Robinson, James W. Russell, James M. T. Hannum, Samuel Savage, John Drysdale, Henry McCormick, Alexander Kennedy the younger, Archibald McKellar, Donald Masson, Alexander Anderson the younger, John Heron, John Shearer, Hugh Masson, William Porter, James Hope, C. R. Cunningham, John Henderson, R. H. Graham, J. W. H. Dobier, John Little, William Angus, Charles Sharpe, John Thorburn, W. MacFarlane, The Rev. W. MacLaren, John Durie, Alexander Kennedy, Alexander Anderson, Alexander Mutchmor, George Hay, John McMillan, Peter Fairburn, and their successors in office to be elected in manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Temporal Committee of Knox Church in the City of Ottawa, in communion with the Canada Presbyterian Church"; and shall have all the rights and powers vested in corporations generally by the Interpretation Act. Incorporation.

2. All the lands, tenements, hereditaments, and premises belonging to the congregation of the said church at Ottawa, and now vested in trustees for their benefit, shall be and the same are hereby vested in the said corporation, upon and for the trusts, purposes and uses declared and expressed in respect of the same, in and by the several grants and conveyances thereof respectively, and subject to all mortgages and charges created thereon by the trustees; and all the personal property of the said congregation shall, and the same is hereby vested in the said corporation in trust for the said congregation. Present property of the congregation vested in the corporation.

3. On the second Thursday in January next, the whole of the said Temporal Committee shall go out of office, and the Temporal Committee of the said church shall thenceforth consist of eighteen members of the said congregation in full communion, six of whom shall also be members of the Kirk Session, and shall be elected as hereinafter mentioned; and such eighteen members and their successors to be elected as hereinafter provided, shall in virtue of such election be members of the corporation, and shall have the same powers as the members hereinbefore named and incorporated, and shall go out of office at the expiration of the year for which they shall be elected as aforesaid, but they shall be eligible for re-election, as hereinafter contained. Temporal committee, powers of, &c.

4. An annual general meeting of the congregation of the said church shall be held on the second Thursday of the month of January in each year, in the building used by the said congregation as a place of worship, at which meeting there shall be elected by a majority of the votes of the members of the congregation then present, male and female, in Election of temporal committee.

full communion, eighteen members of the congregation in full communion, six of whom shall also be members of the Kirk Session, as successors to the members of the Temporal Committee whose term of office expires at the time of such annual meeting; and in case of a vacancy occasioned by the disqualification, death, resignation, or refusal to act of any one or more members of the Temporal Committee, or by the failure to elect a Temporal Committee, at any annual meeting, such vacancy may be filled by the said congregation at a special meeting of the congregation called for the purpose, due notice of such special meeting to be given from the pulpit of the church or place of worship on the two successive Sundays immediately previous to the day appointed for such special meeting: Provided always, that in case of the refusal or neglect of the said congregation to elect a Temporal Committee as aforesaid, it shall be lawful for the Temporal Committee elected for the immediately preceding year to continue in office and act until their successors shall be appointed at some special general meeting of the congregation, or at the annual general meeting.

Meetings, calling of, and quorum.

5. At all meetings of the said corporation duly convened, any five members thereof shall form a quorum for the transaction of business, under the powers conferred on them by this Act, and it shall be the duty of the secretary of the said corporation to call a meeting whenever required so to do by any three members of the Temporal Committee, or by the chairman of the said committee.

Members of committee, to go out of office, re-eligible.

6. On the second Thursday of the month of January next, and on the second Thursday in the month of January in each year thereafter, all the members of the Temporal Committee shall go out of office and shall cease to be members of the Temporal Committee for any purpose connected with the property held or to be held in trust as aforesaid, but shall not by reason of having been previously members of the Temporal Committee, be disqualified from being re-elected in the manner hereinbefore mentioned, nor shall any member thereof who may be hereafter elected, from the fact of his having been such member, be disqualified for re-election after his term of office shall have expired; but nevertheless the members of the Temporal Committee shall always continue in office until their successors have been elected as hereinbefore provided.

Meetings, how convened.

7. Meetings of the said corporation shall be held to be duly convened by notice of such meeting to be given from the pulpit on the Sunday preceding the day of such meeting, or by a notice from the secretary addressed to each member of the corporation, and mailed twenty-four hours at least before the time appointed for the meeting.

Conveyances to be taken in

8. Should the said congregation desire to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground,

ground, or residence for the minister, or for the support of public worship and the propagation of Christian knowledge, such conveyance shall be taken in the name of the said corporation. the name of corporation.

9. Should the said congregation desire to enter into any contract or agreement with any party or parties for the building, repairing, extending or improving of any church, meeting-house, chapel, or the residence of a minister, on lands held by the said corporation, for the benefit of the said congregation, such contract or agreement shall be entered into by the said corporation. Contracts to build, &c., how entered into.

10. When a debt has been or may be hereafter contracted for the building, repairing, extending or improving any church, meeting-house, or chapel, or the residence of a minister respectively, on lands held by the said corporation for the benefit of the said congregation, or for the purchase of the land on which the same has been or is intended to be erected, the said corporation may from time to time secure the debt or any part thereof by a mortgage upon the said land, church, meeting-house or chapel, or the residence of the minister, or may borrow money to pay the debt or part thereof, and secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon: Provided that no such mortgage shall be created by the said corporation upon the land upon which any church, meeting-house, chapel, or residence of a minister respectively is or may be erected, except in case of a debt incurred or to be incurred for the erection of such church, meeting-house, chapel, or residence of the minister respectively. Power to borrow and mortgage to secure debt in respect of churches, &c.

11. The said corporation shall likewise have power to borrow money from any person or persons, bodies politic or corporate, building society or societies, banks or other institutions, authorized to lend money upon the security of any lands held by the corporation for the purpose of building, repairing, extending, or improving any church, meeting-house, or chapel, or the residence of a minister respectively, on land held by the said corporation, or for the purchase of the lands on which the same has been or is intended to be erected, and to mortgage the said lands for that purpose, and to insert in such mortgage all usual and customary clauses, conditions, stipulations, and agreements, and especially a power of sale in default of payment of the principal money and interest, or either, or a part or parts of either, as to the said corporation shall seem meet: Provided that before such corporation shall borrow money under this section, the congregation at some general meeting shall have passed a resolution directing or approving of the borrowing of such money and giving such security. Power to borrow and mortgage, to build churches, &c.

12. When lands held by the said corporation for the use of the said congregation become unnecessary to be retained for such use, and it is deemed advantageous to sell the land, and the Power to sell lands.

the congregation of the said church have, at a special general meeting called for that purpose, expressed by the votes of a majority of the duly qualified members of the said congregation present at such meeting, their assent to a resolution to sell such land, the said corporation shall sell such land for the best price which can be obtained therefor, and shall convey to such purchaser or purchasers, his, her or their heirs and assigns, such lands, and such conveyance shall be valid and effectual to all intents and purposes.

Duties of the corporation.

13. It shall be the duty of the said corporation to raise funds by voluntary contribution or otherwise, as shall from time to time be decided upon by the said congregation for the support and maintenance of public worship, and the propagation of Christian knowledge according to the doctrine, discipline, and modes of worship of the Canada Presbyterian Church; and also for the building, repairing, extending or improving any church, meeting-house, or residence of a minister respectively on the lands held by the said corporation for the benefit of the congregation: and it shall also be the duty of the said corporation to manage the financial and temporal concerns of the said church, subject however to the directions of the congregation expressed at any general meeting of the congregation, and to pay the ministers and all official salaries, and all other just claims against the congregation; and such corporation shall also obey the lawful orders and directions of, respectively, the Kirk Session of the said congregation, the presbytery of the bounds and the synod and General Assembly of the Canada Presbyterian Church.

Officers, election of, and duties.

14. Within ten days after such annual meeting the members of the said corporation then in office shall elect one of their members as chairman, another as secretary, and another as treasurer of the said corporation, who shall hold office till the close of the annual meeting next after their election; and vacancies in any of such offices may be filled at any meeting of the members of the corporation regularly convened; and the chairman so elected shall when present preside at all meetings of the corporation, and in the absence of the chairman such one of the members of the corporation present as a majority of the said meeting shall name shall preside; and the chairman shall always have a vote at such meeting; and it shall be the duty of the secretary to keep in books for that purpose minutes or records of the proceedings had at the meetings of the corporation, which minutes shall be signed by the secretary and chairman or other person presiding at such meeting, and shall be kept and held by the said corporation in trust for ever for the said congregation: and it shall be the duty of the said treasurer to collect and receive all moneys due and collectable by the said corporation, and to keep and dispense the same under the direction of the said corporation, and to keep a true and faithful account of all such receipts and disbursements.

Records.

15. It shall be the duty of the members of the said corporation at each annual meeting of the congregation to submit a true and perfect account in writing, fairly entered in books to be kept for that purpose, of all sums of money by them received, and of all sums rated and assessed or otherwise due and not received, and of all moneys paid by them as such corporation during their term of office; and they shall also on going out of office pay over and deliver over to their successors in office all sums of money, books, accounts, goods, property and other things which shall be in their hands as such corporation; and in case such corporation shall make default in rendering such accounts or delivering over such money, goods, books, and other things as aforesaid, it shall be in the power of their successors to proceed against them at law for such default.

Accounts of
receipts and
expenditure.

16. And whereas, the said congregation are building a church in Upper Town, west of the Rideau Canal, in addition to the one held by them in Lower Town, and it is expedient to make provision for the transfer of one of the said churches with the lands on which the same is built, to trustees for the use of a second congregation, to be organized by the presbytery of the bounds:

Therefore it shall and may be lawful for the said corporation to convey to trustees to be appointed for that purpose, as provided for by chapter sixty-nine of the Consolidated Statutes for Upper Canada, and any act amending the same, one of the said churches, and the lands on which the same is erected, in trust for the congregation when such may be organized by the presbytery of the bounds, the said property when so conveyed to be used for like purposes as those for which it is now used.

Power to convey a church in Ottawa.

17. And whereas, when the new church now in course of erection is completed, it may become a question as to which church the corporation hereby created shall apply:

Be it therefore enacted by the authority aforesaid, that the question shall be determined thus: a general meeting of the congregation of Knox Church shall be called for the purpose of deciding in which of the said churches the congregation will worship, and upon a majority of the duly qualified members of the said congregation deciding that question, the said corporation hereby created, with all the corporate power hereby conferred, shall belong exclusively to such church in which the majority of the said general meeting so decide to worship.

Manner of determining to which church the corporation shall apply.

CAP. CXXXVIII.

An Act to vest certain Property in "The Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Township of Cumberland," with power to mortgage, sell and convey the same, and for other purposes.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS by deed bearing date the thirtieth day of March, in the year of our Lord one thousand eight hundred and forty-seven, John Cameron, of the Township of Cumberland, in the County of Russell and Province of Upper Canada (now the Province of Ontario), yeoman, and Elizabeth Cameron, his wife, did grant and convey unto John Wilson, James Golightly, Archibald Petrie, William Lough and James McCaul, trustees of the Presbyterian Church in Cumberland, and their successors in office, all and singular the lands and premises following: that is to say, As a site for the church, the ground on which it stands, with an extension in front of thirty-eight feet, and in the rear of thirteen feet, which, including the church, makes one and one-half chains and three feet in length, the width being one chain, including the church; For the manse, one half-acre commencing at the north west angle of lot number fifteen, then south sixteen degrees, east three chains seventeen links; then north seventy-four degrees, east one chain fifty-eight links; then north sixteen degrees, west three chains seventeen links, more or less, to the River Ottawa; thence along the river to the place of beginning; the said lands being a part of lot number fifteen, in the first concession of Cumberland, in the County of Russell, old survey; the successors to be elected as in the said deed mentioned: And whereas, by deed bearing date the fifth day of September, in the year of our Lord one thousand eight hundred and fifty-six, Archibald Petrie, of the said Township of Cumberland, in the County of Russell aforesaid, Esquire, and Catherine Petrie, of the same place, his wife, made a party thereto for the purpose of barring dower merely, did grant and convey unto Patrick McLaughlin, John Smith, Hiram Dunning, William Wilson and Archibald Petrie, Esquires, trustees of the congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the said Township of Cumberland, their successors and assigns, the said successors to be appointed as therein mentioned, all and singular that certain parcel or tract of land and premises, situate, lying and being in the Township of Cumberland, in the said County of Russell, containing by admeasurement two hundred acres, be the same more or less, being composed of lot number one, in the sixth concession of the aforesaid township: And whereas there are doubts

doubts as to the legality of the mode of appointing trustees by the said deeds respectively prescribed, and as to the rights, powers and authority of the said trustees: And whereas, the said congregation have by their petition prayed for the incorporation of the trustees hereinafter named, and that the said property should be vested in the said trustees and their successors in office; and it is expedient to grant such prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the lands and premises mentioned in the said deed of the thirtieth day of March, in the year of our Lord one thousand eight hundred and forty-seven; and all the lands and premises specified in the said deed of the fifth day of September, in the year of our Lord one thousand eight hundred and fifty-six, together with all the houses, out-houses, buildings, messuages, rights and appurtenances thereto respectively belonging, and the rents, issues and profits thereof, shall by this Act be and are hereby declared to be, vested in fee simple in William Wilson, John Smith, John Baikie, Patrick McLaughlin and John Gamble, all of the Township of Cumberland, Esquires, and their successors in office, under the name and style of "The Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Township of Cumberland," in trust for the benefit of the said congregation, for the payment of any mortgages on the said lands; for the support and maintenance of public worship, in accordance with the laws and customs of the said Presbyterian Church; and also for the site of a church, residence for the minister or ministers officiating for the said congregation, or burial ground, as the said trustees or a majority of them shall deem proper.

Certain lands
vested in
trustees.

2. If, in case of the death, removal, resignation, refusal, or incapacity to act of any of the trustees hereby appointed, or any succeeding trustee or trustees to be appointed as hereinafter mentioned, a vacancy or vacancies occur among the said trustees, then, and in any such case, and as often as the same shall happen, the remaining trustee or trustees for the time being, or the majority of them, may, by any writing under his or their hands and seals, to be by him or them signed, sealed and delivered in the presence of, and attested by, two or more witnesses, nominate and appoint any other fit person or persons to fill such vacancy or vacancies, in the room, place and stead of such trustee or trustees who shall die, remove from the bounds of the said congregation, resign, or refuse, or become incapable to act in the aforesaid trusts; and in case the trustee or trustees for the time being remaining in office upon any such vacancy or vacancies taking place, shall refuse, omit or neglect to make such nomination and appointment as aforesaid, before the then next ensuing annual meeting of the said congregation, then, and in any such case, and as often as the same shall happen,

Vacancies in
the office of
trustee, how
filled.

pen, it shall be in the power of the said congregation, at any annual meeting, by the vote of the majority of members of the said congregation in full communion present at such annual meeting, to appoint a trustee or trustees to fill such vacancy or vacancies.

Trustees to have the right conferred by C. S. U. C., chap. 69, ss. 4, 5, 6, & 7.

3. The said trustees and their successors in office shall have and exercise all the rights and privileges conferred by the fourth, fifth, sixth and seventh sections of chapter sixty-nine of the Consolidated Statutes for Upper Canada, as if the same were incorporated in and formed part of this Act.

Power to sell or mortgage the lands.

4. The said trustees, or a majority of them, and their successors in office, or a majority of them, shall have full power and authority to mortgage or sell and absolutely dispose of the said lands and premises, or any part or parts thereof, by public auction or private sale, or partly by the one and partly by the other, and either all together or in parcels, and for cash or on credit secured by mortgage, in such manner as to them shall seem most advantageous, with power upon any such sale to buy in at any auction or auctions and re-sell, rescind or vary any sale or contract for sale that may have been entered into, and to re-sell without being answerable or responsible for any loss or deficiency thereon, and on any sale or sales valid and sufficient deeds and conveyances to make, execute and deliver, and the consideration money demand and receive, and to release, discharge or assign any mortgages or other securities that may have been given for the purchase money, or any part thereof: Provided always, that the purchaser or purchasers shall not be liable to see to the application of, or be responsible for non-application or mis-application of the purchase money, or any part thereof.

Application of moneys derived from mortgages.

5. The vendors shall apply the moneys to be derived from the mortgage or mortgages, and the proceeds of such sale or sales, in paying off and discharging any mortgages, now or hereafter in existence on the said lands and premises, or any part thereof, and for the purchase of other lands, or in such other manner as they shall consider best for the interests of the said congregation, not inconsistent with the trusts hereby declared.

Present mortgagees not affected by this Act.

6. Nothing in this Act shall be construed to affect the rights of any persons who hold mortgages, or other liens on the said lands and premises, or any part thereof.

CAP. CXXXIX.

An Act to vest certain lands in the trustees of the congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope.

[Assented to 29th March, 1873.]

WHEREAS the minister, elders, trustees, and members of Preamble.
the congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope, have by their petition represented that the lands and premises hereinafter mentioned, called and known as "The Mill Street Presbyterian Church," were conveyed to and are now vested in certain persons as "Trustees for the United Presbyterian Church of North America," in Port Hope; that the congregation of the said Mill Street Presbyterian Church have united with the congregation heretofore forming the congregation of St. Andrew's Church in Port Hope, and that the said two congregations now form the said congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope; that the church premises known as St. Andrew's Church have been sold, and the proceeds thereof applied to the payment of the debt on the building and lands of the said Mill Street Presbyterian Church; and that it is desirable that the said lands and premises of the Mill Street Presbyterian Church should be vested in the trustees of the congregation firstly hereinafter mentioned:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All and singular that certain parcel or tract of land and premises situate, lying, and being in the Town of Port Hope, in the County of Durham, and Province of Ontario, being composed of part of the west part of lot number nineteen in the said Town of Port Hope, and which said premises are, by a written description made by M. Lough, P. L. S., and dated on the fifth day of August, one thousand eight hundred and sixty-four, more particularly described as follows:—Commencing on the eastern limit of Ward Street in the said Town of Port Hope, at the distance of sixteen feet north of the south-west angle of said lot number nineteen; thence north nine degrees fifteen minutes west along the eastern limit of said street fifty feet; thence north eighty degrees forty-five minutes east eighty-eight and one-half feet more or less to the western limit of land owned by one Samuel Hatton; thence south nine degrees fifteen minutes east along the western limit of said land sixty-six and one-half feet to a lane or right of way leading to said land; thence north eighty-eight degrees west along the northern

Certain lands in Port Hope vested in trustees.

northern limit of said lane or right of way ninety feet more or less to the place of beginning: containing five thousand one hundred and seventy-seven square feet more or less, as will more fully appear by reference to a plan or map of said property made by the said M. Lough, P. L. S., and attached to an indenture of sale from The Trust and Loan Company of Upper Canada to John Grimison and others, as "Trustees for the United Presbyterian Church of North America," together with all the rights, members and appurtenances to the said parcel or tract of land and premises belonging, are hereby vested in fee simple in James O'Brien, of Port Hope aforesaid, carriage-maker, Nathaniel Gillespie, of Port Hope aforesaid, painter, and John Grimison, of the Township of Hope, in the said County of Durham, waggon-maker, as and being "The Trustees of the congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope," and their successors in office and assigns forever; In trust for the benefit of the said congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope, for the support of public worship and the propagation of Christian knowledge, and to the intent and purpose that the said congregation, so long as they remain in connection with the said Presbyterian Church of Canada in connection with the Church of Scotland, and shall be and remain a congregation thereof, shall fully and freely enjoy the said lands and premises, for the purposes of the said church and the maintenance and support thereof; but subject always to such encumbrances and charges as may be now either at law or in equity charged or subsisting upon or against the said lands and premises, or any part or parts thereof.

Manner of filling vacancies in office of trustees.

2. All vacancies in the office of trustees of the said lands and premises, from whatever cause arising, may be filled, from time to time, in the manner set forth and provided in the deed known as "The Model Deed," prepared and issued under the sanction of the synod of the Presbyterian Church of Canada in connection with the Church of Scotland, or in such other manner as the said synod may from time to time direct and appoint.

Provisions of chap. 69 of Con. Stats. U. C. extended and applied.

3. All and singular the provisions of the Act of the Parliament of the late Province of Canada, intituled "An Act respecting the property of religious institutions in Upper Canada," being chapter sixty-nine of the Consolidated Statutes for Upper Canada, shall extend and apply, so far as reasonably may be, to the said lands and premises hereby vested and to the trustees or trustees thereof for the time being.

CAP. CXL.

An Act to legalize and confirm sales and conveyances of certain lands in the City of London, heretofore effected and made by the Trustees of the Presbyterian Congregation of the City of London, in connection with the Church of Scotland.

[Assented to 29th March, 1873.]

WHEREAS the Trustees of the Presbyterian Congregation of the City of London, in connection with the Church of Scotland, known as the Trustees of St. James' Church in the said City of London, have by their petition set forth, that by patent or grant from the Crown, dated on the third day of February, one thousand eight hundred and fifty-nine, a certain parcel or tract of land in the City of London, in the Province of Ontario, containing one acre and a quarter, be the same more or less, being described as Block "D," bounded on the west by Mark Lane, on the east by Church Street, and on the south by Bond Street; being a portion of the land transferred to the Provincial Government of the late Province of Canada by an Act of the Parliament of the late Province of Canada, passed in the nineteenth year of the reign of Her Majesty Queen Victoria, and chaptered forty-five, was granted to the trustees in the said patent named as a site for a church for the aforesaid congregation, and that the said congregation having caused a church and manse, or residence for the clergyman to be erected upon a portion of the said land so granted, the residue thereof became unnecessary to be retained for the purpose intended by the said grant, and thereupon, in order to pay off the debt of the congregation incurred for the erection of the said church and manse, was disposed of by the trustees of the said congregation named in the said patent, in building lots to different persons by private sales, and the proceeds of the said sales were wholly applied in the liquidation of the building debt of the church, and the expenses of and attending such sales; and it appearing that the said trustees in making such sales and conveying to the several purchasers acted in good faith and for the benefit of the said congregation, though unaware of the manner of proceeding to make sales of the residue of the land so granted to them, provided by the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, and that they the said trustees are desirous of having the sales and conveyances so effected and made to the several purchasers of the building lots, parts of the aforesaid Block "D," declared as valid and effectual to pass such estates and interests to the said several purchasers, to all intents and purposes as if such sales and conveyances had been effected and made by the said trustees under the said sixty-ninth chapter of the Consolidated Statutes for

Preamble.
Upper

Upper Canada, intituled "An Act respecting the property of Religious Institutions in Upper Canada;" And whereas, it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Purchasers from trustees prior to this Act, to take as valid titles as if made under Chap 69, Con. Stat. U. C.

1. All and every sale or sales, contracts for sale, assurances and conveyances of every kind made, entered into, or completed before the passing of this Act, between the trustees for the time being of The Presbyterian Congregation in the City of London, in connection with the Church of Scotland, otherwise known as the trustees of St. James' Church, in the City of London, of certain building lots, portions of Block "D," in the said City of London, as granted by the Crown by patent dated on the third day of February, one thousand eight hundred and fifty-nine, to the said trustees for the site of a church for the said congregation, (such portions being the residue of the said Block "D" not required for the purpose of the original grant) and the several persons who purchased the same from the said trustees, shall, and the same are hereby declared to be as valid and effectual to pass to the said several purchasers and their several heirs and assigns, such and the same interests in the several portions of the aforesaid block, so sold or bargained to them the said several purchasers, as would have passed had such sales been made, and contracts, assurances, or conveyances effected to the said several purchasers, in compliance with the provisions of the aforesaid the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the property of Religious Institutions in Upper Canada.

Future instruments of conveyance relating to sales heretofore made, to be expressed as made under this Act.

2. In any conveyance to be hereafter made by the trustees of the said congregation for the time being, of any of the said portions of the said Block "D," sold or contracted to be sold prior to the passing of this Act, whether by way of further assurance, or otherwise lawfully demanded of the said trustees, there shall be contained a declaration to the effect that such conveyance or assurance is so made under the provisions of this Act.

This Act to confer no greater powers on trustees than C. S. U. C., c. 69.

3. Nothing in this Act contained shall give or is intended to give or confer any other, or greater force or effect to or upon sales, contracts for sale, or conveyances of the said portions of Block "D," so heretofore sold or contracted to be sold, than if the said sales, contracts for sale, or conveyances had been so effected and made under the provisions of chapter sixty-nine of the Consolidated Statutes for Upper Canada.

CAP. CXLI.

An Act to enable the Trustees of Knox Church in Owen Sound to sell certain church property.

[Assented to 29th March, 1873.]

WHEREAS Robert Malcolm, James Young, Angus McKay, Donald McKay, and James Caton, all of the Town of Owen Sound, trustees of Knox Church, in Owen Sound, being a Presbyterian church in connection with the Church of Scotland, and Duncan Morrison, the minister of the said church, have, by their petition to the Legislature, prayed that the said trustees be empowered to sell and dispose of the north half of lot number eleven on the west side of Boyd Street, in Owen Sound, and to apply the proceeds of such sale for the purpose of building a new church on Murdoch Street, in Owen Sound, for the use of the congregation: And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Robert Malcolm, James Young, Angus McKay, Donald McKay, and James Caton, trustees of the Presbyterian church, in Owen Sound, in connection with the Church of Scotland, and the survivor or survivors of them, or their successors in office, shall have full power and authority to contract to sell, and to sell the said north half of lot number eleven on the west side of Boyd Street, in the Town of Owen Sound, in one or several parcels, from time to time, at private sale or public auction, for cash or on credit, secured in such manner as to them may seem fit, with power to buy in at any auction or auctions, and to re-sell, without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances execute and deliver, and the consideration money demand and receive, and release all mortgages or other securities that may be given for the purchase money or for any part thereof.

Trustees may sell N. $\frac{1}{2}$ lot 11 on W. side of Boyd Street.

2. The vendors shall apply the proceeds of such sale or sales for the purpose aforesaid: Provided always, that the purchaser or purchasers shall not be liable to see to the application of the purchase money.

Application of proceeds of sale.

3. Nothing in this Act contained shall be construed to affect the rights of any other person or persons in respect of the said land.

This Act not to affect rights of others.

CAP. CXLII.

An Act to amend the Act of the Parliament of the late Province of Canada passed in the eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-two, and to incorporate "The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS by an Act passed in the eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-two, intituled "An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each diocese," it was enacted amongst other things that whenever it might be deemed expedient to erect any new diocese or dioceses in that part of the then Province of Canada formerly called Upper Canada, the bishop or bishops of such new diocese or dioceses, and his or their successor or successors for the time being, should have the same powers as are by the said Act conferred upon the said Bishops of Kingston and Toronto respectively; And whereas, in pursuance of the authority conferred by the said Act, a new diocese was in the year of our Lord one thousand eight hundred and fifty-six erected in Upper Canada, and called the Diocese of London, the name of which was afterwards changed to the Diocese of Sandwich, and continued to be known as such Diocese of Sandwich until the year of our Lord one thousand eight hundred and seventy, when it was recalled the Diocese of London, by which name it is now known; And whereas, the Right Reverend John Walsh, Doctor of Divinity, the Bishop of the said Diocese of London, has petitioned that the said Act may be amended; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said The Right Reverend John Walsh, Doctor of Divinity, and his successors, being Bishops of the Diocese of London aforesaid, in communion with the Church of Rome, shall be and are hereby declared to be a body corporate by the name of "The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario," enjoying all the powers and privileges, and also subject to the provisions contained in the said Act passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two.

Certain lands
vested in the
corporation.

2. The said "The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario" shall have vested in it

it the soil and freehold as well as the fee of all lands, tenements and hereditaments, and of all burial grounds, churches and chapels held in the name of or conveyed to the Roman Catholic Episcopal Corporation of the Diocese of London in Upper Canada or Ontario, and also to the said The Roman Catholic Episcopal Corporation of the Diocese of Sandwich in Upper Canada, or to the said Right Reverend John Walsh as bishop of said dioceses.

3. In addition to the powers conferred by the said Act on any new diocese so erected under the authority of said Act, the said The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario shall have power to borrow moneys on mortgage security of the real estate of said corporation, for the purpose of erecting or finishing any church or clergyman's residence erected or to be erected, and for enlarging the same, subject to a compliance with the requirements of the fifth section of the said Act, respecting the execution of deeds, conveyances, leases and assignments thereby authorized to be made. Power to borrow money.

4. All moneys borrowed by and in the name of the said corporation, for which mortgages have been given on the real estate of the corporation in conformity with the requirements of the fifth section of the said Act, shall form a lien; and are hereby created incumbrances on the lands covered by such mortgages, and the said The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario is hereby declared to be bound for the payment of the same, notwithstanding that at the time of the execution of such mortgages the said corporation had no power to borrow money on mortgage; and this Act shall not be held to relieve or discharge the said corporation of the diocese of London of or from any liability or claim now existing against the same. Corporation bound by mortgages heretofore given.

5. This Act and the said Act passed in the eighth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-two, shall be read together and form one Act so far as the said The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario is concerned. 8 V., c. 82, and this Act to be read together.

CAP. CXLIII.

An Act to incorporate "The Brothers of the Christian Schools."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS Reverend Brother Hosea, Provincial Visitor ; Brother Arnold, Director at Toronto ; Brother Andrew, Director at Ottawa ; Brothers Aphraate and Rogation, Directors at Quebec, of the Order known as "The Christian Brothers," have petitioned this Parliament to pass an Act incorporating the said petitioners and enabling them and their successors to hold and acquire real estate in this Province for educational purposes : And whereas it is expedient to comply with the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation.

1. From and after the passing of this Act, the said petitioners and their successors for the time being holding the offices aforesaid, shall be and are hereby declared to be a body corporate and politic in deed and in name by the name of "The Brothers of the Christian Schools" of the Province of Ontario in Canada.

President.

2. The Archbishop of Toronto for the time being shall be *ex-officio* president of the said corporation.

Seal.

3. They and their successors, duly appointed by their Superior General, shall, by the name aforesaid, have perpetual succession and a common seal, and shall have power, from time to time, to alter and renew or change such common seal at pleasure ; and may, from time to time and at all times acquire and hold as purchasers, for the general educational use or uses of said schools within the said Province of Ontario, any lands, tenements or hereditaments, so that the annual value of the same shall not exceed at any one time five thousand dollars ; and the same real estate or any part thereof, from time to time, to sell or exchange, alienate, let, demise, lease or otherwise dispose of, and, in case of sale to purchase other real estate not exceeding such annual value, in lieu of that sold with the purchase money arising from such sale : and to hold and enjoy such newly purchased or exchanged estate or estates for the educational purposes aforesaid ; and by the same corporate name the said Brothers and their successors shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered, in all courts of law and equity and places whatsoever, in as large, ample and beneficial a manner as any other body corporate

Power to acquire lands.

porate

porate or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto in any manner whatsoever.

4. All lands, tenements and hereditaments now belonging to and used, held, occupied, possessed or enjoyed by the said Order as aforesaid and all schools now being erected or hereafter to be erected in the said Province of Ontario shall be and are hereby declared to be vested in them and their successors for the time being for the purposes aforesaid.

Lands at present held by Order.

5. It shall be lawful for any person or persons in whom or in whose name or names any lands, tenements and hereditaments are now or shall or may be hereafter vested, in trust or otherwise, for the benefit of the said Order, from time to time to convey, assign or transfer by deed under his or their hands and seals in the usual legal way all or any of the said lands, tenements and hereditaments, unto the said corporation and their successors for the purposes aforesaid, as provided by this Act.

Lands held in trust to be assigned.

6. Nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, her heirs or successors or of any person or persons or of any body politic or corporate; such only excepted as are herein mentioned and provided for.

Rights of others not affected.

7. The said corporation shall have power and authority to make and establish such rules, orders and regulations, not contrary to this Act, nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said corporation and for the management thereof.

Power to make certain rules.

8. Notwithstanding anything herein contained, the said corporation shall at no time take, acquire, or hold, or be competent to take, acquire or hold, any real estate, or interest therein, exceeding the annual value of five thousand dollars, under any of the provisions herein contained, or otherwise.

Limitation as to the value of lands to be held by the corporation.

9. It shall be the duty of the said corporation, at all times, when thereunto required, from time to time, by the Lieutenant-Governor in Council, or the Legislature of the Province, to lay before that body, or the Lieutenant-Governor in Council, full and true statements of all the property, real and personal, and all interest therein, held by the said corporation, and of its liabilities, receipts and expenditure, and such other details and matters, as to the time of such holding, annual or other value at any time or times, time of acquisition, locality, or otherwise, as the Lieutenant-Governor in Council or the Legislature may require.

Returns to be made to Lt.-Governor in Council and to the Legislature.

CAP. CXLIV.

An Act respecting the Methodist New Connexion Church of Canada.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the denomination of Christians known in this Province and in the Province of Quebec as the Canadian Wesleyan Methodist New Connexion Church, and since the Annual Conference of 1866, generally called the Methodist New Connexion Church of Canada, was so constituted by the union of two denominations previously existing in said Provinces, and respectively named the Canadian Wesleyan Methodist Church and the Methodist New Connexion Church, which denominations united into one body under the name of the Canadian Wesleyan Methodist New Connexion Church, at a conference held at Hamilton in June, 1841, the terms of said union having been previously presented to the Quarterly Conference of each body and adopted by a majority of them : And whereas, the Annual Conference of the said Methodist New Connexion Church of Canada have by petition prayed that the property held by the trustees of each body previous to said union be confirmed to them (the united body) ; And whereas, also, the Annual Conference of the said church have by their petition represented that expense and delay are occasioned in disposing of property held by trustees of said church, by reason of the provisions of chapter sixty-nine of the Consolidated Statutes for Upper Canada, and prayed that the necessity of such expense and delay in disposing of property may be avoided in the Province of Ontario, and also that sales of real estate in Ontario, duly made by the trustees thereof, and with the consent of the Annual Conference of the said Methodist New Connexion Church of Canada, since the passing of the said chapter sixty-nine of the Consolidated Statutes for Upper Canada, may be confirmed, notwithstanding such sales have not been made in exact compliance with sections nine and ten of said Act, and also for other purposes ; and it is proper that the prayer of such petition should be granted :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Real estate
vested in
United Body
since union of
1841.

1. The real property held by or in trust for the Canadian Wesleyan Methodist Church, and the Methodist New Connexion Church, at the time of the union of said denominations at Hamilton, in June, 1841, is hereby declared to have become vested in the said united body, now known as the Methodist New Connexion Church of Canada, as fully and effectually as the same was vested previous to the said union in the said respective bodies.

2.

2. So far as regards the Methodist New Connexion Church of Canada, and the real estate held by or in trust for said church, or for the purpose thereof, in the Province of Ontario, and alienable by force of the said chapter sixty-nine of the Consolidated Statutes for Upper Canada, or otherwise, sections nine and ten of said Consolidated Statutes are hereby repealed, and section eight thereof is varied by striking out all words after the word "may," in the fourth line, and substituting therefor the words following; "sell by private sale or public auction, with and on the written authority of the Conference for the time being of the said Methodist New Connexion Church of Canada, or such other authority as by the rules and regulations in force in such connexion from time to time may be requisite;" but where the sale is at public auction, the trustees shall not be obliged to complete or carry a sale into effect, if in their judgment an adequate price is not offered.

As regards the Methodist New Connexion, Con. Stat. ch. 69, ss. 9 & 10 repealed and s. 8 varied.

3. So far as regards the said Methodist New Connexion Church of Canada, and real estate in the Province of Ontario held by them, section six of the said statute is varied by striking out all words prior to the word "nor," in the fifth line, and substituting therefor the words following:—"But the trustees shall not so lease without the written authority of the Conference for the time being of the said Methodist New Connexion Church of Canada, or such other authority as, by the rules and regulations in force in such connexion from time to time may be requisite."

Sec. 6 varied.

4. A *bona fide* lessee, mortgagee, or purchaser for value shall not be bound to see or enquire whether the circumstances have arisen or occurred which warrant, or by the said Statute, or this Act, are made precedent to a lease, mortgage or sale, or conveyance thereon, either as to the purpose for which a mortgage may be granted, consent, necessity for retention or disposal of the property, notice of intended sale, or as to the validity of the appointment of trustees, or of the Conference for the time being, or otherwise.

Purchasers, &c., not bound to enquire as to preliminaries to sale, &c.

5. All sales of real estate in the Province of Ontario, made by the trustees thereof with the sanction of the Annual Conference of said Methodist New Connexion Church of Canada, and all conveyances made in pursuance thereof, since the passing of the said chapter sixty-nine of the Consolidated Statutes for Upper Canada, are hereby ratified and confirmed, notwithstanding such sales and conveyances were not made in all respects in accordance with the said Consolidated Statutes.

Certain sales of real estate confirmed.

6. The Model Deed in the Book of Discipline, called on the title-page "The Doctrines and Discipline of the Methodist New Connexion Church of Canada," and published at London, C.W., in the year 1866, as printed in said book, commencing on page ninety-seven, shall be altered as appears by the words in italics

Model Deed altered.

italics in the paragraphs numbered four, five, six, seven, and eight, in the first schedule hereunto annexed, so as more fully to provide, when necessary, for the erection of suitable buildings for a minister's residence, as well as the keeping of such buildings and premises in proper repair, and to more fully provide for the filling up of vacancies in the board of trustees, by the Quarterly Conference of the circuit or station in which such property may be situated, and to make the covenant of the grantor more explicit; and it is hereby declared that from and after the passing of this Act, said schedule shall be considered as part of the Model Deed.

Filling up
vacancies in
trust boards.

7. It is hereby declared that from and after the passing of this Act, in filling up vacancies in all trust boards settled on the model deed, the forms set forth in the first schedule to this Act shall be conformed to in like manner as trust boards formed after the passing of this Act.

Model deed
need not be
registered in
full.

8. From and after the passing of this Act it shall not be necessary for the trustees of said Methodist New Connexion Church of Canada to register a duplicate of the deeds of their church property in the full length and form of the model deed as printed in the discipline and altered by this Act, but simply to fill up, and duly execute and register in duplicate a form similar to the second schedule hereunto annexed, which form or schedule shall and does imply all the provisions, and shall be taken to have the same effect and be construed as if it contained the same words contained in said model deed as altered by this Act: The fee payable to the registrar in each case for the registration of the short form or reference deed as contained in the second schedule of this Act, including all entries and certificates, shall be fifty cents.

Fee to
registrars.

Trustees hold-
ing lands
under trusts
different from
those in the
model deed
may register a
declaration,
and then the
lands shall be
held on the
trusts of model
deed.

9. From and after the passing of this Act, the trustees of the several congregations in Ontario of the Methodist New Connexion Church of Canada, by whatever name they may hold lands conveyed to them under deeds containing trusts, provisions, conditions and agreements differing from those set out in the model deed as altered by this Act, may register in the registry office of the county where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees in the form of that set out in the third schedule to this Act; and thereupon the lands described in said declaration shall be held by them, as such trustees, by the name set out in said declaration, under and upon the like trusts, and for the purposes and under the directions and provisions of the model deed as referred to in section six of this Act, as altered by the schedule first hereunto annexed, in every particular and respect as are therein expressed, contained and declared, saving and excepting always any money lien that may have been acquired by any person or corporation prior to the passing of this Act. The fee payable to the registrar for the registration of such declaration,

claration, including all entries and certificates thereof, shall be fifty cents.

10. Whenever the words "Canadian Wesleyan Methodist New Connexion Church," "Canadian Methodist New Connexion Church," "New Connexion Church," or "Methodist New Connexion Church of Canada," occur in deeds, conveyances, or legal documents of any kind made previous to the passing of this Act, the same are hereby declared to refer to and mean the said denomination of Christians formed by the union at Hamilton, in June, 1841, of the said religious bodies respectively, known up to that time as the Canadian Wesleyan Methodist Church, and the Methodist New Connexion Church.

*Interpretation
of certain
words in
deeds, &c.*

11. The schedules and the directions and forms therein contained shall be deemed parts of this Act.

*Schedules, &c.,
to form part of
this Act.*

SCHEDULES TO WHICH THIS ACT REFERS.

THE FIRST SCHEDULE,

CONTAINING THE PROVISIONS OF THE MODEL DEED.

1. To have and to hold, all and singular, the above-mentioned and described piece or tract of land and premises so situate, lying and being as aforesaid, together with all and singular the houses, out-houses, woods, ways, waters, privileges, and appurtenances belonging thereunto, or in any wise appertaining unto them the said party of the second part, and their successors in the said trust forever, for the site of a church or place of worship and burying ground, for the use of the members of the said Methodist New Connexion Church of Canada, according to the rules and discipline of the said New Connexion, in trust and confidence that they shall and will at all times hereafter forever, permit all and every the ministers of the said New Connexion of Methodists, who are or may hereafter be duly licensed or otherwise authorized by the Conference of the said Connexion, to preach and perform Divine service in said house, and burial service in said burying ground, according to the rules, discipline and customs of said Connexion.

2. And in further trust and confidence that the said trustees for the time being shall, if they think fit, permit the regular ministers of any other Protestant denominations of Christians, to preach and perform Divine service in the said house, when it shall not be required for the use of the ministers as for religious services of the said Methodist New Connexion.

3. And also in further trust and confidence that the said trustees for the time being, or a majority of them, shall and may at any time or times, or at such times as they or a majority of them shall deem expedient, set apart and appropriate so much of the
above

above granted and described premises, as may be necessary for the use and purposes of a parsonage or place of residence for the ministers of the said Connexion, and to build, or cause or allow to be built thereon, fit and proper buildings for said purpose.

4. *And in further trust and confidence at all times to permit and suffer such minister or ministers of the aforesaid Methodist New Connexion Church of Canada, to reside in, use, and occupy and enjoy, free from the payment of any rent for the same, the said tract of land and dwelling-house or dwelling-houses, with the appurtenances erected thereon for that purpose, so long as said minister or ministers shall retain their appointments for the said circuit or station on which the same may be situated, and continue in good standing with the Conference, without dismissal or suspension therefrom, and no longer.*

5. *And further to cause such repairs and improvements as from time to time may be deemed necessary and proper to be done to said property, or to make agreement with the minister in possession relative thereto.*

6. *And it is further provided and declared that the board of trustees shall appoint any two of their number as trustee-stewards, one of whom shall act as secretary and the other as treasurer-steward, under the full directions, control and appointment of said board of trustees, or the major part of them, and it shall be in the power of said trust board upon sufficient causes to remove said stewards, and appoint others in their places.*

7. *Provided always, and it is hereby declared to be the true intent and meaning of this Indenture, and of the parties hereto, that if any of them the said trustees, or any future trustee or trustees to be appointed under this present provision, shall die, or if any of them shall go to reside beyond the distance of twenty miles from said premises, and continue to reside beyond such distance from said premises for the space of two years, or shall cease to be a member of the Methodist New Connexion Church of Canada, or shall be convicted of felony or any other crime, or shall refuse or decline, or otherwise become incapable of acting as trustee or trustees, when and as often as the same shall happen, the Quarterly Conference of the circuit or station in which the said property is situated, shall within one year from the time of their being officially notified by the trustee-steward of said property, appoint from among the members of said church one or more trustees to serve in the room and stead of those who have ceased to be such trustees. But if the trustee-steward shall fail to give the Quarterly Conference notice of such vacancy or vacancies above referred to, the Quarterly Conference, on becoming aware of such vacancy or vacancies by any means, shall appoint a committee of not less than three of its members, with the superintendent minister of the circuit, who shall report as to the fact of such vacancy or vacancies, and the next ensuing Quarterly Conference shall make the appointment of a trustee or trustees to fill the place of such trustee or trustees as have become disqualified or ceased to act. A full record of all such proceedings shall be made in the circuit books*

books of such circuit or station where such property is situated ; and the trustee or trustees so appointed shall be held and deemed to be the lawful successor or successors of the said above named trustees of the second part, and shall have in perpetual succession the same capabilities, rights, powers and duties as are given to the said above named trustees, in and by this indenture, and by the statutes above referred to. And to the intent and end that evidence of the due nomination and appointment of succeeding trustees, in the said trust, may be preserved, the trustees for the time being are hereby required to keep a book of record, in which the name or names of any person or persons nominated and appointed as aforesaid, and also the manner of the nomination and appointment, and all the proceedings relating thereto, shall be entered therein.

8. *The said grantor covenant with the said grantees, that he ha the right to convey the said land to the said grantees, notwithstanding any act of the said grantor ; and that the said grantees shall have quiet possession of the said lands, free from all encumbrances. And the said grantor covenant with the said grantees, that he will execute such further assurances of the said lands as may be requisite. And the said grantor covenant with the said grantees that he will produce the title deeds enumerated hereunder, and allow copies to be made of them at the expense of the said grantees. And the said grantor covenant with the said grantees that he ha done no act to encumber the said lands. And the said grantor release to the said grantees all claims upon the said lands. And the said wi of the said grantor hereby bar dower in the said lands.*

THE SECOND SCHEDULE,

(Containing the reference deed or short form for registration.)

[DIRECTIONS AS TO THE FORMS IN THIS SCHEDULE.—Parties who use this form will observe that it is made out for dower. When the grantor or grantors are unmarried, the dower will be erased. In that case the grantees (trustees) become the parties of the second part.]

This indenture, made (in duplicate) on the _____ day of _____, one thousand eight hundred and _____, in pursuance of the Act passed by the Legislature of Ontario in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered _____, and in pursuance of the Act respecting short forms of conveyances, between hereinafter called the grantor _____ of the first part, and _____, wi _____ of the said _____ of the first part, of the second part, and _____, hereinafter called the grantees _____ of _____

of the third part, witnesseth that the said grantor, for and in consideration of the sum of _____ dollar of lawful money of Canada, now paid by the grantees to the said grantor, the receipt whereof is hereby acknowledged, the said grantor do grant unto them, the said grantees by the name and style of the Trustees of the _____ Congregation of the Methodist New Connexion Church of Canada, in the _____ of _____, in the county of _____, and Province of Ontario, and their successors in said trusts for ever, all and singular that certain lot, parcel or tract of land situate, lying and being in the _____, in the county of _____, and Province aforesaid, and which may be more particularly known and described as follows: that is to say, commencing

Now, this indenture further witnesseth, that the land described herein shall be held by the said trustees and their successors for the purposes, and under the directions and provisions of the model deed, as printed in the book of Discipline of the Methodist New Connexion Church of Canada, published at London, C.W., in the year one thousand eight hundred and sixty-six, commencing on the ninety-seventh page, and as altered by an Act passed by the Legislature of Ontario in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered _____, under and subject to such and the same powers, provisions, declarations and agreements, and to be controlled and managed by the trustees, acting in the same manner and with the same duties and restrictions in every particular as are expressed in the said model deed as altered by said Act passed in the thirty-sixth year of Her Majesty's reign.

And the said _____ of the said grantor hereby bar dower in the said lands.

In witness whereof, the said parties to this indenture have hereunto set their hands and seals on the day and year above written.

Signed, sealed and delivered, }
in presence of }

[L. S.]

THIRD SCHEDULE.

Declaration made in pursuance of section nine of an Act passed by the Legislature of Ontario, in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered _____

Know all men by these presents, that whereas we (*setting out names of trustees or majority of trustees holding lands*) do hold the lands and premises hereinafter set out as (*give name of trustee board as contained in deed granting to them*) we, in pursuance of the provisions of section eight of an Act passe

in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered _____, do hereby declare that, from and after registration hereof, we hold the said lands and premises under the provisions of the model deed, as altered by the said Act, under the name of the Trustees of the Congregation of the Methodist New Connexion Church of Canada, and the said lands and premises are described as follows, that is to say (*insert description*).

In witness whereof, we have hereunto set our hands and seals this _____ day of _____, A.D. 18 ____.

Signed, sealed and delivered,
in presence of _____ }
_____ }

[L. S.]

CAP. CXLV.

An Act to incorporate "The Toronto Baptist Missionary Union."

[Assented to March 29th, 1873.]

WHEREAS a religious society under the name of "The Preamble.
Toronto Baptist Missionary Union" has existed for some time in the City of Toronto, and in the Village of Yorkville, in this Province, with the object of seeking to advance in a direct and united manner the denominational sentiments and interests of Baptists in the said city and its suburbs; And whereas, the said society has by petition prayed to be incorporated; and it is expedient to grant the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Thomas Lailey, C. A. Morse, H. E. Parson, William Latch, Incorporation.
John Paterson, David Buchan, John Jones, David Hollins, N. E. Buchan, R. W. Laird, and such other persons as are now or hereafter shall become members of the said society, are hereby constituted a body politic and corporate under the name of "The Toronto Baptist Missionary Union," and by this name Corporate name.
may from time to time acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase or acquire others in their stead: Provided that the said corporation shall at no time acquire or hold as purchasers any lands, or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, or for the purposes of the said corporation. And it is further enacted that the said corporation may by the said name, from time to time, take or Power to acquire
hold

hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same, but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands, or tenements, or interests therein so to be taken or held by gift, devise or bequest, shall at one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation so that it no longer retain any interest therein, and this the said corporation is hereby authorized to do notwithstanding any limitations contained in such gift, devise or bequest; and the proceeds on such disposition may be invested in public or other approved securities, not including mortgages, or in municipal debentures for the use of the said corporation; and such lands, tenements or interests therein as shall not be disposed of within the said period, shall revert to the person from whom the same was derived, his heirs, executors, administrators or assigns, unless upon petition presented to the Court of Chancery for this Province by the said corporation such a case shall be made as shall, in the opinion of the said court, justify the said corporation in holding such lands, tenements or interests therein, to their own use, and not disposing of the same as aforesaid.

Objects of the corporation.

2. The said corporation shall have for its objects those mentioned in the preamble of this Act, and may engage and employ persons therefor, and shall also have power to donate or lend moneys or portions of real estate belonging to the said corporation in promoting such objects and in aiding poor congregations to build churches or meeting-houses, or in sustaining religious worship.

Existing constitution to remain in force.

3. The constitution, regulations and by-laws by which the said society is now governed, shall be the constitution, regulations and by-laws of the said corporation; but they or any of them may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions therein contained.

Present officers to remain.

4. The officers and members of the advisory committee of the said society at the time of the passing of this Act, shall be the officers and members of the advisory committee of the said corporation, until others are duly appointed in their stead.

Trustees may convey to corporation.

5. All persons holding any real property in trust for the said society may convey the same to the said corporation, and shall be henceforth discharged from their trusteeship.

6. The said corporation shall at all times, when required by the Lieutenant-Governor, make a full return of all property held by it, with such details and other information as to income and expenditure as may be required.

Returns to be
made to Lt.-
Governor.

CAP. CXLVI.

An Act to incorporate "The Canada Congregational Missionary Society."

[Assented to 29th March, 1873.]

WHEREAS by the petition of the Reverend F. H. Mar-
ling on behalf of the Canada Congregational Missionary Society it is amongst other things set forth that that society has been for many years in existence, having for its object to aid feeble Congregational churches in sustaining their ministers; to spread the Gospel by means of missionaries, and to promote other general missionary objects of the Congregational body; that the members of the society are the persons subscribing to its funds; that the terms of membership and the operations and management of the society are regulated by a constitution adopted by the members as amended at the annual meeting of the society at Hamilton in June, 1868; that the law of this Province makes no provision for the holding or disposing of property held by trustees under the Act respecting religious institutions in Upper Canada in the case of churches or congregations ceasing to exist; and that provision would be made by the Congregational Union of Canada in the trust deeds of the property of Congregational churches for the management of such property by the said society in the event of any such church ceasing to exist, if the society had the necessary corporate powers; and it is prayed that an Act may be passed incorporating the persons hereinafter named, who form the general committee of the said society, and the other members of the said society by the name of the Canada Congregational Missionary Society; And whereas, it is expedient to grant the said petition:—

C. S. U. C. c.
69.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Rev. Henry Wilkes, D.D., the Rev. W. F. Clarke, the Rev. John Wood, the Rev. F. H. Marling, the Rev. K. M. Fenwick, the Rev. H. D. Powis, the Rev. Archibald Duff, the Rev. S. G. Dodd, the Rev. Charles Chapman, Henry Cox, Thomas Edgar, Joseph Barber, W. C. Ashdown, C. Lawes, James Baylis, Robert Freeland, J. McNichol, and all other persons associated with them or who may hereafter be associated with them or with each other as members of the Canada Congregational Missionary

Incorporation.

Missionary Society, under the provisions of the constitution in the preamble mentioned as it now exists or as it may at any time hereafter be amended by the said society, are hereby constituted a body politic and corporate by the name of "The Canada Congregational Missionary Society."

Objects of the corporation.

2. The objects of the said corporation shall be the same as expressed in the said constitution as it now exists or as it may be amended as aforesaid.

Affairs to be managed by general committee.

3. The affairs of the said corporation shall be conducted and administered by the general committee appointed as provided by the constitution, who shall exercise all the corporate powers of the corporation.

Power to acquire real property.

4. The body incorporated by this Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein so to be taken or held by gift, devise or bequest, shall at any one time, in the whole, exceed the annual value of one thousand dollars; and no lands or tenements or interests therein acquired by gift, devise or bequest shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

And sell, and invest.

Returns of property, etc., to be made to the legislature.

5. The said corporation shall, whenever required by the Lieutenant-Governor of this Province, make a full return to the Legislature of its property, real and personal, and of its receipts and expenditure, and of any other facts or particulars which the Lieutenant-Governor may require.

CAP. CXLVII.

An Act to incorporate "The Superannuated Preachers' Annuitant Society, in connection with the Methodist New Connexion Church of Canada."

[Assented to 29th March, 1873.]

WHEREAS an association under the name of the Superannuated Preachers' Annuitant Society, in connection with the Methodist New Connexion Church of Canada, has existed for several years in this Province, with the design and object of affording support to the aged and infirm ministers and the widows and orphans of ministers who were members of said association; And whereas, it would tend to promote the purposes of said association that it should be incorporated; And whereas, said association has by petition prayed to be incorporated; and it is expedient to grant such petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Reverend George Richardson, the Reverend Edwin Holmes, the Reverend William Tindall, the Reverend George Browne, the Reverend William Williams, the Reverend James McAllister, the Reverend Henry Wilkinson, the Reverend David Dermott Rolston, the Reverend Elias Williams, the Reverend James Baskerville, and such other persons as are now or hereafter shall become members of said association are hereby constituted a body politic and corporate under the name and title of "The Superannuated Preachers' Annuitant Society in connection with the Methodist New Connexion Church of Canada;" Incorporation. and by such name they and their successors shall have perpetual succession and a common seal, and shall be capable of suing and being sued, impleading and being impleaded for the purposes of said corporation. Corporate name.

2. The body incorporated by this Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage, and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation for the purposes of the said corporation; And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interest therein, if such gift, devise, or bequest be made at least six months before the death Power to acquire property.

And sell.

death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators, or assigns.

Present effects
vested in
corporation.

Property held
in trust.

3. All real and personal estate and effects of whatever nature and kind, now held for the uses and purposes aforesaid, shall be and are now hereby vested in the said corporation, and all persons holding any such in trust shall convey the same to the said corporation, and be thenceforth discharged from their trusteeship.

Constitution.

Proviso.

4. The constitution, regulations and by-laws by which the said association is now governed shall be the constitution, regulations and by-laws of the said corporation; but they or any of them may be added to, amended or repealed, and others substituted therefor in the manner and subject to the conditions and provisions therein contained: Provided always, that if the members of said corporation fail to hold a meeting for the transaction of business for a period of thirteen months from the last general meeting, then, in such case, and as often as the same may happen, the directors shall assemble with all convenient speed and transact all the necessary business, and whatever may be done at such meeting by a majority of the directors present shall be of full force and effect, as if it had been done at the annual meeting of the members of said corporation, as by constitution provided.

Officers.

5. The persons who at the time of the passing of this Act constitute the executive board, called in the said constitution "the directors," together with the manager, shall retain their offices in said corporation until others are elected in their places, according to the said constitution.

Residence of
members and
claimants.

6. Nothing in this Act shall be so construed as to prevent any ministers of said Methodist New Connexion Church who may be members of said corporation, their widows or orphans, receiving benefit from the funds of this corporation, although
said

said ministers may at the time of their membership reside out of the Province of Ontario, or should they when superannuated reside out of the said Province of Ontario.

7. The said corporation shall at all times, when required by the Lieutenant-Governor, make a full return of all property held by it, with such details and other information as may be required. Returns to
Lt.-Governor.

CAP. CXLVIII.

An Act to incorporate "The Dundas Wesleyan Institute."

[Assented to 29th March, 1873.]

WHEREAS James B. Grafton, William Binkley, George F. Burrows, John S. Grafton, W. E. Sanford, Dennis Moore, Joseph Lister, Edward Gurney, John F. Wood, John McKay, James B. Meacham, T. H. A. Begue, Esquires, and the Rev. Messieurs S. D. Rice, D.D., Enoch Wood, D.D., S. S. Nelles, LL.D., Anson Green, D.D., James Preston, W. J. Hunter, John B. Keagey, ministers of the Wesleyan Methodist Church, by their humble petition in this behalf, have represented that a number of citizens of the Town of Dundas and other residents of Canada, chiefly members of the Wesleyan Methodist Church, have associated themselves together provisionally for the purpose of establishing and conducting a seminary of a collegiate character for the education of boys and young men, based upon Christian principles, under the name of "The Dundas Wesleyan Institute," according to a certain prospectus and agreement dated the tenth day of October, 1872, and according to certain resolutions passed at meetings of the provisional stockholders, held in Dundas on the thirteenth and twenty-fourth days of January, in the year of our Lord one thousand eight hundred and seventy-three, by which the capital stock of the said association is limited to the sum of forty thousand dollars, divided into eight hundred shares of fifty dollars each—two hundred and ninety-eight shares of which have been subscribed for and taken up, as evidenced by the stock list; And whereas, the establishment of such institutions of learning in connection with and under the influence of religious denominations is conducive to the diffusion of sound moral and religious principles as well as intellectual acquirements, and it is desirable to encourage the same; and the said petitioners having prayed for the incorporation of their said association:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

Corporate
namePowers of incor-
poration.

Proviso.

1. James B. Grafton, William Binkley, George F. Burrows, John S. Grafton, W. E. Sanford, Dennis Moore, Joseph Lister, Edward Gurney, John F. Wood, John McKay, S. D. Rice, D.D., Enoch Wood, D.D., S. S. Nelles, LL.D., James Preston, W. J. Hunter, John B. Keagey, Anson Green, D.D., T. H. A. Begue, James B. Meacham, and such others as are now or shall under the authority of this Act be associated with them, and their several and respective heirs, executors, administrators, successors, and assigns, and all such other person or persons as shall at any time be possessed of any share or shares in the said undertaking hereby authorized to be carried on, shall be and are hereby constituted and declared to be a body corporate and politic, by and under the name and style of "The Dundas Wesleyan Institute;" and by the said name they and their successors shall and may have continued succession and shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded in all courts or places whatsoever, in law or equity; and they and their successors shall and may have a common seal, and may change or alter the same, and may also from time to time, at any ordinary meeting of the directors, by a majority of votes, as hereinafter provided, ordain, establish, and put in execution such by-laws, ordinary rules and regulations (the same not being contrary to this Act or to the laws in force in this Province) as may appear to them necessary or expedient for the management of the said corporation, its business and affairs, and may from time to time alter or repeal the same, or any of them, and shall have power to accept on behalf of the said corporation gifts and endowments for promoting objects of education, science and literature, or otherwise, in aid of the general purposes of the said corporation, on such terms as may be agreed upon with the persons bestowing such gift or endowment; and shall also be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of absolutely and conditionally holding any lands, tenements, real or immovable estate, and the same to alienate, let, release, mortgage, transfer, and dispose of: Provided always, that nothing herein contained shall be considered as permission to hold any real estate beyond what may be necessary for the said corporation to hold for its own immediate accommodation in relation to the purposes for which the said corporation is authorized, or such as shall have been found *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts: and provided further that the said corporation shall be bound to sell or dispose of any real estate so purchased or conveyed to them (except such as may be necessary as aforesaid for the convenient carrying on of the undertaking) within seven years after acquiring the same.

Capital stock.

2. The capital stock of the said corporation shall, until otherwise determined as hereinafter provided, consist of the sum of
forty

forty thousand dollars, divided into eight hundred shares of fifty dollars each; which shares shall be and the same are hereby vested in the said several persons hereinbefore mentioned and others, the present shareholders in the said corporation, their successors and assigns, according to the shares and interests which they may have subscribed, purchased or acquired, and may now hold in the same; and such part of the said capital stock subscribed for as may not have been paid in by the shareholders by whom the same is due, shall be paid by them by such instalments and at such times and places as the directors of the said corporation shall appoint, after notice of not less than two calendar months in that behalf, to be previously given in one or more of the public newspapers published in the Town of Dundas, as well as by circular letters addressed and mailed to every shareholder at his last known place of residence; and in case any such shareholder shall refuse to pay the same, the said corporation are hereby empowered to sue for and recover the same with interest at six per centum per annum to and from the time appointed to pay the same; and all executors, curators and administrators who shall pay up the instalments due by the estate or succession which they may respectively represent, in obedience to any call made for that purpose in the manner aforesaid, shall be and they are hereby respectively indemnified.

3. If after such demand or notice as is required by the next preceding section or as by the by-laws of the corporation may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by resolution to that effect, reciting the facts, and the same being duly recorded in their minutes, may summarily forfeit any share or shares whereon such payment is not made, and the same shall thereupon become the property of the corporation, and may be disposed of as by by-law or otherwise they shall ordain.

Forfeiture for non-payment of calls.

4. The said corporation shall have power and legal authority to establish and maintain an institution for learning, to be called by the said name of "The Dundas Wesleyan Institute," for the education of youth, and direct and manage the same for the purposes of education in the various branches of literature and science upon Christian principles, in such manner as they shall deem most conducive to that end, except in so far as their authority shall be limited by this Act.

Power to establish and maintain the institute.

5. The affairs of the said corporation shall be conducted by a board of twenty-one directors, consisting of the persons named in the first section of this Act, who shall serve as such directors until the first day of January, one thousand eight hundred and seventy-four, or until their successors are appointed under the provisions of this Act.

First body of directors.

Stockholders'
" Ordinary
meetings."

6. A general meeting of the stockholders of the said corporation shall be holden in the Town of Dundas, at the office of the corporation, on the last Tuesday in the month of December, one thousand eight hundred and seventy-three, and thereafter in each year at such time as shall be fixed by the directors; and such meetings shall be called "Ordinary Meetings;" and at such first meeting seven of the aforesaid directors, whose names shall be determined alphabetically, shall vacate their seats but shall be eligible for re-election, and the stockholders present at such meeting, either in person or by proxy, nine of whom shall form a quorum, shall proceed to elect by ballot seven stockholders to serve as directors for the ensuing two years, and in like manner at each ensuing "Ordinary Meeting," seven directors shall be elected for the term of two years, those having served that term then vacating their office as soon as their successors shall have been appointed; but in all cases the retiring directors shall be eligible for re-election, and each of such directors shall be a proprietor of at least ten shares, and eleven of the said fourteen of said directors shall be members of the said Wesleyan Methodist Church in Canada.

Lay directors.

Seven of the
directors to be
ministers and
members of
conference,
and appointed
by conference.

7. Seven of the said twenty-one directors shall be ministers of the Wesleyan Methodist Church in Canada, and members of the conference of that church, and shall be appointed by the said conference, and shall hold office for one year or until their successors shall have been appointed, but shall be eligible for re-appointment.

President and
vice-president,
appointment
of.

8. The said board of directors shall annually, at their first meeting after such annual general meeting, elect by ballot from amongst themselves, a president and vice-president of said corporation, and until the first general meeting as aforesaid, S. D. Rice, D.D., shall be president, and S. S. Nelles, D.D., vice-president.

Scale of votes.

9. At all meetings of the shareholders, each shareholder may cast one vote for every share held by him, and every question shall be determined by the majority of votes present at such meeting.

Resolutions at
ordinary meet-
ings invalid
unless con-
firmed at a
subsequent
meeting, or
notice of the
intended reso-
lution has been
given.

10. No determination or resolution of any ordinary meeting on any matters, except such as are directed by this Act, shall be binding upon the corporation, unless either the same be confirmed by a subsequent meeting, of which meeting and resolution or determination a reasonable notice shall be given by the secretary, or unless special notice of such extraordinary matter be given in the advertisement convening such first mentioned ordinary meeting.

Extraordinary
meetings,
how called.

11. Every meeting of shareholders, other than an ordinary meeting, shall be called an "extraordinary meeting," and such meetings may be convened by the directors at such times and
such

such places as they think fit ; and an extraordinary meeting of the shareholders at large shall be convened at any time by the directors, when a requisition of any ten shareholders, requiring them to do so, and such requisition shall fully express the object of the meeting, and shall be left with the secretary ; and if the directors shall fail to call a meeting within fourteen days thereafter, such shareholders may call a meeting by giving notice as hereinafter mentioned : Provided that no extraordinary meeting shall enter upon business not set forth in such requisition and notice.

12. Ten days' notice of all meetings, ordinary and extraordinary, shall be given by mailing circulars addressed to the shareholders at their last known place of residence, which shall specify the place, day and hour of such meeting. Notice of meetings, how to be given.

13. In order to constitute a meeting, ordinary or extraordinary, there shall be present nine or more shareholders. Quorum at meetings.

14. At every meeting the president, or in his absence the vice-president, or in the absence of both, one of the directors, who shall be elected by a majority of the shareholders present, shall be chairman, and such chairman shall have not only a deliberate vote but also a casting vote, in case of equality, in all matters before the meeting. Chairman at meetings.

15. Every meeting of the shareholders may be adjourned from time to time, and no business shall be done at any adjourned meeting other than business left unfinished at the last meeting from which such adjournment took place. Adjourned meetings.

16. Every person entitled to vote may in writing constitute any other shareholder his or her proxy, to vote at such meeting, and every such appointment shall be produced to the secretary and entered in a book : Provided always, that such authority shall bear date within twelve calendar months of the time of the meeting at which it is produced. Voting by proxy.

17. If any director resign or become incompetent or ineligible to act or cease to be a shareholder, the remaining directors may elect in his place any other shareholder, who shall continue in office until the first yearly meeting after such vacancy, when the shareholders shall elect a director, who shall hold office for the same period as he who caused the vacancy. Power to fill up vacancies among directors.

18. The directors shall have the management of the affairs of the corporation ; they shall organize and put into operation and carry on the institution for learning for which the corporation is authorized ; they may make and enforce calls upon the shareholders ; they shall fix the salaries of the principal teachers and other officers or servants ; they shall take control of and may vary, repeal and make all the regulations relating to the Powers of directors.

Governor, ap-
pointment of.

the management, government and discipline of the said institution, its services, studies, lectures, exercises and instructions: Provided always, that no religious test shall be required of any pupil or officer except as hereinafter expressed; they may make any payments and enter into all contracts for the execution of the purposes of the corporation; they may generally deal with, treat, sell, dispose of and acquire the lands, property and effects of the said corporation for the time being, in such manner as they shall deem expedient and conducive to the benefit of the corporation; they may appoint and displace the principal, and all such officers, professors, teachers, agents or servants as they shall deem requisite for the management and care of the property and affairs of the corporation; they may make by-laws for the regulation of the affairs of the corporation; but all the powers so to be exercised shall be in accordance with and subject to the provisions of this Act, and the exercise of all such power shall be subject to the control and regulation of any general meeting specially called for that purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting: Provided always, that the governor, as the person having the moral and religious control in the said institution, shall be a minister of the Wesleyan Methodist Church, nominated by the said directors but appointed by the Wesleyan Methodist Conference; but if the said conference shall not confirm such nomination at its first session thereafter, then the said directors shall be authorised to appoint any person being a member of the said church to that office until the next session of the said conference.

Meetings of
directors,
quorum, &c.

19. The directors shall hold meetings at such times and place as they shall appoint for that purpose, and they may meet and adjourn as they think proper; and at any time three of the directors may require the secretary to call a meeting of the directors; and, in order to constitute such meetings, there shall be present at least seven of the directors; and all questions shall be determined by a majority of votes; and no director except the chairman shall have more than one vote, but the chairman shall have a casting vote; the president or vice-president, or in their absence, a director to be chosen, shall preside.

Transfer of
shares.

20. The shares of the said capital stock shall not be transferred until paid up, unless such transfer shall be sanctioned by the directors and duly registered by the secretary in the transfer book; and no person shall sell or transfer any stock until he shall have paid all calls for the time being due on any share held by him.

Actions for
calls.

21. The directors may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but

but it shall be sufficient to declare that the defendant is holder of one share or more, stating the number; that he is indebted in the sum of money to which the calls in arrear amount in respect of one call or more, stating the number of calls and the amount of each whereby an action hath accrued to the corporation under this Act; and a certificate under their seal and purporting to be signed by an officer of the corporation to the effect that the defendant is a shareholder and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

22. The secretary shall cause a book or books to be kept wherein shall be recorded: Books to be kept.

1. A correct copy of the prospectus or declaration and original stock list referring to the same, as also every by-law and supplementary declaration for increasing the capital stock;

2. The names alphabetically arranged of all persons who are or have been shareholders;

3. The address and calling of every such person;

4. The number of shares held by each;

5. The amounts paid in and unpaid respectively by each shareholder;

6. All transfers or surrenders of stock in their order, as presented to the company for entry, with the date and other particulars of each transfer;

7. The names, addresses and callings of all persons who are or have been directors, with the dates at which each became or ceased to be such director.

23. Such books shall during reasonable business hours of every day except Sundays and holidays be kept open for the inspection of all shareholders and creditors of the said corporation or their representatives, at the office or chief place of business of the said corporation, and to make extracts therefrom. Books to be open to inspection.

24. Every contract, agreement or engagement made on behalf of the corporation by any of its agents, officers or servants, in general accordance with his powers as such under the by-laws, shall be binding upon the corporation; and in no case shall it be necessary to have the seal of the said corporation affixed thereto; nor shall the party so acting as agent, officer or servant of the said corporation be thereby subjected individually to any liability to any third party therefor: Provided always, that the corporation shall not be authorized to issue any note payable to bearer, or intended to be circulated as money, or as the note of a bank. Contracts.

25. Each of the said shareholders, until the whole of his stock shall have been paid up, shall be individually liable to the creditors of the corporation to an amount equal to that not paid up thereon, but shall not be liable to an action by any creditor before an execution against the corporation has been returned Shareholders liable to creditors to the extent of unpaid stock.

returned unsatisfied in the whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Liability of
shareholders.

26. The shareholders in the said corporation shall not as such be held responsible for any act, default, or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever, relating to or connected with the corporation beyond the amount of their respective shares in the capital stock thereto.

CAP. CXLIX.

An Act to incorporate "The Beechwood Cemetery Company of the City of Ottawa."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it hath in petition among other things been set forth that the corporation of the City of Ottawa have by by-law prohibited the burial of the dead within the city limits from and after the first day of May, 1873, therefore it has become necessary that a public cemetery should be established without the limits thereof, and the persons hereinafter named have associated themselves together for the purpose of establishing such cemetery, and have prayed that they, their successors, and such other persons as may hereafter become their associates, be incorporated and have powers conferred on them for the purpose aforesaid; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. That Joseph M. Currier, Philip Thompson, James T. Pennock, Robert Blackburn, Benjamin Batson, William White, John Durie, George Hay, John Sweetland, M. D., James G. Robinson, McLeod Stewart, and such others as are now and may hereafter become subscribers to, the capital stock of the said company, and shareholders thereof in pursuance of this Act, shall be and are hereby constituted a body politic and corporate, by the name of "The Beechwood Cemetery Company of the City of Ottawa."

Corporate
name.

Capital stock.

2. The capital stock of the said company shall be twenty thousand dollars, divided into two hundred shares of one hundred dollars each, and may be increased, at a meeting of the company called for the purpose by a vote of a majority of the stockholders

stockholders, representing at least two-thirds of the whole capital stock of the company, to fifty thousand dollars; shares to be transferable on the books of the corporation in such manner as the corporation shall by its by-laws direct; and each share shall entitle the owner thereof to one vote either in person or by proxy.

Transfer of shares.

Scale of votes.

3. It shall be lawful for the said corporation to acquire, take and hold a lot or tract of land within the Township of Gloucester, in the County of Carleton, not exceeding four hundred acres, and to sell and otherwise dispose of such land in lots, plots or parcels to be used exclusively as a cemetery or place of burial for the dead: Provided always, that the deed of sale of any lot, plot or parcel of land in the said cemetery or place of burial shall be in the form given in schedule A annexed; And provided also, that the real estate of the said corporation, and the said lots, plots and parcels, when conveyed by the corporation to individual proprietors, shall be exempt from assessment and taxation, and shall not be liable to be sold under execution, or be subject to be applied to the payment of debts by any bankrupt, insolvent or other law.

Corporation may acquire certain lands.

Form of conveyances by the company.

Exemption from taxation and execution.

4. All moneys received by the said corporation, whether on account of the capital stock, the sale of lots, or otherwise, shall, after the payment of all debts due or owing by the said corporation, as well as all working expenses, be applied, first to the payment of interest to shareholders at such rate as the said shareholders may determine upon, not exceeding ten per centum per annum; and any residue there may be shall be applied one-half to the extinguishment of the capital stock, and the other half to the improvement and embellishment of the grounds of said cemetery; and after the extinguishment of said capital stock, all the revenues of the said corporation derivable from any source whatsoever shall be applied to the preservation, improvement and embellishment of the said cemetery, and incidental expenses thereof, and to no other purpose whatever.

Application of moneys of corporation.

5. When and as soon as the original stockholders shall have been reimbursed the amount invested by them, together with interest thereon as herein provided, then their stock shall be deemed extinguished, and the lot-holders shall become and be members of the said body corporate, possessing all the rights and privileges pertaining to the original stockholders, so far as the management of the affairs of the company is concerned, except as hereinafter provided.

When the stockholders have been reimbursed, the lot-holders to be members of the corporation

6. As soon after the passing of this Act as fifteen thousand dollars of stock shall have been subscribed in the stock books of the company, any two subscribers may by advertisement in one or more of the newspapers published in the City of Ottawa, call a meeting, fixing the time and place thereof, of stockholders, for the election out of their number of seven directors, four of whom shall

Election of directors.

Quorum.

shall form a quorum, who shall hold office for one year, or until their successors shall have been appointed; whose duty it shall be to manage all the affairs of the company; and who shall at the end of their term of office render a full report of the condition and affairs of the corporation.

Directors can call in stock.

7. The directors are authorized to call in the payment of the subscribed stock by such instalments and at such times as they shall deem fit, giving at least ten days' notice in some newspaper published in the city of Ottawa of such time of payment, and the amount of the call or instalment required; and shall have full power, in case of any stockholder neglecting or refusing to pay any such instalment after notice as aforesaid, to forfeit and declare forfeited all instalments paid, and all the right to the stock so subscribed.

Scale of votes of lot-holders.

8. No lot-holder shall be deemed a shareholder, and entitled to vote and take part in the management of the affairs of the company, holding less than one hundred and fifty superficial feet: a holder of six hundred and under sixteen hundred feet shall be entitled to three votes; and a holder of sixteen hundred or more feet to five votes.

Corporation may appoint officers, make by-laws, &c.

9. It shall be lawful for the said corporation to appoint such officers and servants of the corporation as they shall think expedient; to make and frame by-laws for the government and control of the said officers and servants; and also to make and frame all other by-laws, rules and regulations for the management of the business of the corporation in all particulars and details, whether herein specially enumerated or not, and the same at any time to repeal, alter, amend or modify; Provided that no such by-laws shall be inconsistent with the provisions of this Act; and any copy of the said by-laws certified by the clerk or secretary, and under the seal of the said corporation, shall be received as *prima facie* evidence of such by-laws in all courts in this Province.

Lots to be indivisible.

10. All lots, plots or parcels when conveyed and designated as lots by the said corporation, shall be indivisible, but may be held and owned in undivided shares.

Injuring trees, monuments, &c.

11. Any person who shall wilfully destroy, deface, injure or remove any monument, tomb, grave-stone, or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of the said cemetery, or of any tomb, monument, grave-stone, or other structure aforesaid, or any plot of ground within the said cemetery; or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the said cemetery; or play at any game or sport, or discharge firearms (save at a military funeral) in the said cemetery; or shall wilfully disturb any persons assembled for the purpose of burying any body therein; or who shall commit any

Disorderly conduct in the cemetery.

nuisance

nuisance in the aforesaid cemetery, shall be guilty of a misdemeanor, and may, upon conviction before a justice of the peace or other competent authority, be fined any sum not less than two dollars nor more than fifty dollars; and in default of payment of such fine and the costs attending such conviction, such person may be committed to gaol for any period not less than six days nor more than three months, and may also be sued by the corporation for any such trespass, whether committed in a private lot or otherwise, and in any case in which the corporation is a party any member thereof may be a competent witness: all penalties and judgments recovered, except the costs, when received by the directors shall be applied under their direction towards the reparation or reconstruction of the property destroyed or injured, and if there should be any overplus it shall be applied as other moneys arising from the sale of lots, as hereinbefore provided.

Penalty.

Application of penalties.

12. The said corporation shall make regulations for insuring that all burials within the said cemetery are conducted in a decent and solemn manner: they shall not allow any body to be buried in any vault under any chapel or other building in the said cemetery, or within fifteen feet of the outer wall of any such chapel or other building: every part of the said cemetery shall be enclosed by walls or other sufficient fences or railings, and they shall keep the said cemetery, and the buildings and fences thereof, in complete repair and in good order and condition, out of the moneys to be received by them by virtue of this Act.

Regulations regarding burials, &c.

Cemetery to be kept in repair.

13. The said corporation shall make all proper and necessary sewers and drains in and about the said cemetery for draining it and keeping it dry; and they may from time to time as occasion requires, cause any such sewer or drain to open into any existing drain or sewer, with the consent in writing of the owners or occupiers of the land through which opening is made.

Sewers and drains.

14. The said corporation shall have a common corporate seal, and may by resolution or by by-law from time to time change or alter the same, and all deeds and conveyances made by the said corporation shall be sealed therewith.

Seal.

SCHEDULE "A."

(Section 3.)

Know all men by these presents, that "The Beechwood Cemetery Company of the City of Ottawa," in consideration of the sum of _____ dollars paid to them by *A. B.*, of the _____ of the receipt whereof is hereby acknowledged, do grant unto the said *A. B.*, _____ heirs and assigns, that lot of land in _____ the

the said cemetery of the said company called Beechwood, in the Township of Gloucester, County of Carleton, containing by ad-measurement superficial feet (*describe the lot*), to have and to hold the above-named premises hereby granted unto the said heirs and assigns for a burial ground for ever.

In witness whereof the said "The Beechwood Cemetery Company of the City of Ottawa" have caused their corporate seal to be hereunto affixed the day of in the year of our Lord one thousand eight hundred and .

Witness,

[L.S.]

Secretary.

President.

CAP. CL.

An Act to incorporate "The Toronto Eye and Ear Infirmary."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS an institution under the name of "The Toronto Eye and Ear Infirmary" hath for some time past existed in the City of Toronto, having for its object the cure or relief of diseases of the Eye and Ear, and is governed by a constitution and by-laws which have received the assent of the members of the said institution; And whereas, certain members of the said institution have by their petition prayed that the said institution may be incorporated; and it is expedient to grant their petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Andrew Taylor McCord, A. Dredge, W. T. Mason, William Elliott, E. J. Palmer, W. J. Macdonell, A. R. McMaster, George Hague, Robert Wilkes, J. H. Mason, John McBean, A. M. Rosebrugh, M. D., R. A. Reeve, M. D., and William Canniff, M. D., and such other persons as now are or hereafter shall become members of the institution, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Toronto Eye and Ear Infirmary;" and shall by that name have perpetual succession and a common seal, with power to alter, renew, or change the same at pleasure; and by the said name may, from time to time and at all times, acquire and hold as purchasers for the purposes of the institution, real estate in one block in the City of Toronto, so that the annual value of the same shall not exceed at any one time five thousand dollars, and the same or any part thereof at any time to alienate, exchange, mortgage, lease, or otherwise dispose of, as occasion may require, and may also acquire any other real estate or interest therein, by gift, devise or bequest, if made at least six months

Corporate name.

months before the death of the party making the same, and may hold such estate or interest therein for a period of not more than seven years, and may within that period alienate, mortgage, lease, or otherwise dispose of the same, and the proceeds of such estate, or interest therein, as shall have been so disposed of shall be invested in public securities, county or municipal debentures, or other approved securities, for the use of the said institution, and such estate or interest as may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or representatives.

2. The personal property of the said institution shall become the property of and vest in the said corporation. Personalty vested in the corporation.

3. The said corporation shall have for its objects the establishment of a Hospital, Infirmary, or other building of a similar character, for the treatment of persons suffering from diseases of the eye or ear. Establishment of a hospital.

4. The constitution and by-laws by which the said institution is now governed, shall be the constitution and by-laws of the said corporation, but they, or any of them, may be added to, amended, or repealed, and others substituted therefor, in the manner and subject to the provisions and conditions therein stated. Former by-laws to remain in force.

5. The officers of the said institution at the time of the passing of this Act, shall be the officers of the said corporation, and shall retain their respective offices and positions until others shall be elected or appointed in their place. Present officers to remain in office.

6. The said corporation shall at all times when required by the Lieutenant-Governor of the Province, make a full return of all property held by it, together with such details and other information as the Lieutenant-Governor may require. Returns to be made to Lt.-Governor.

7. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in the business of trading or real estate. Funds of the corporation, how to be used.

CAP. CLI.

An Act to amend the Act intituled "An Act to incorporate the Orphans' Home and Female Aid Society, Toronto."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS it is expedient to amend the Act passed in the Session held in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, chaptered thirty-four :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to acquire real property,

1. The body incorporated by the said Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; And it is further enacted, that the said corporation may, by the name aforesaid, from time to time take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof, and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

And sell.

CAP. CLII.

An Act to incorporate "The Boys' Home, of the City of Hamilton."

[Assented to 29th March, 1873.]

WHEREAS an institution has for some time existed in the Preamble.
 City of Hamilton, in this Province, supported by voluntary contributions, and having for its object the education of destitute boys of the said city, and training them to habits of industry and virtue; And whereas, the management of the affairs of the said institution has hitherto been vested in a committee of thirty ladies as president, vice-president, treasurer, and secretary and managers, and twelve gentlemen as a visiting and consulting committee elected annually; And whereas, the ladies and gentlemen comprising such committee have by their petition represented that the said institution would be rendered much more effectual by giving it the character of a corporation; and have prayed that an Act may be passed for that purpose; and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Catharine Thomson, president; Fanny Price, vice-presi- Incorporation.
 dent; Sophia Murton, treasurer; Addie Chisholm, secretary; Mary Brown, Jane McLaren, Annie McIntosh, Mary Gillies, Mary Roseburgh, Mary Lottridge, Charlotte Beaseley, managers, and all others who now are, or may from time to time be, elected to succeed them in manner hereinafter mentioned as president, vice-president, treasurer, secretary and managers, shall be, and they are hereby nominated and constituted, a body politic and corporate by the name of "The Boys' Home of the City of Hamilton," for the education of destitute boys of the said City of Hamilton, and training them to habits of industry and virtue, and shall by that name have perpetual succession, and shall have a common seal; and the said corporation shall further have the right to make and establish so many by-laws, Corporate name.
 orders and regulations (not being contrary to the laws of this Province or to this Act) as they shall deem useful and necessary for the conduct or government of the said institution: Provided always, that no act done by such president, vice-president, treasurer, secretary and managers shall be valid and effectual unless five of such managers, and one of the said presidents or office-bearers at the least shall be present, and the major part of them consenting thereto. Power to make by-laws.

2. The body incorporated by this Act may from time Power to acquire real property.
 to time and at all times, acquire and hold as purchasers any

any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted that the said corporation shall at no time acquire or hold as purchasers any lands or tenements or interests therein exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time take or hold by gift, devise or bequest, any lands or tenements, or interest therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

And sell.

Duties of the office-bearers.

3. The said president, vice-president, office-bearers and managers shall keep, or cause to be kept, in a book to be opened for that purpose, a list of all subscribers to the said institution, and a meeting of the said subscribers shall be held annually on the first Wednesday in the month of October in each year, at such hour and place as the president, vice-president, office-bearers and managers for the time being shall, by notice thereof given at least one week before-hand in some newspaper published in the City of Hamilton, appoint; and at each such meeting a report in writing of the affairs and management of the said institution, and of all moneys received and expended, and of all property, real and personal, then held by the institution, and also of the number of boys received into the institution, and the number sent out for adoption or to service, shall be exhibited under the proper heads, by the office-bearers and managers for the year then past; and at such meeting the ladies then present who are respectively subscribers of a sum not less in amount than one dollar annually, or donors at any time of not less than twenty dollars, or of lands to an amount of not less than one hundred dollars, shall elect from the subscribers or donors of like amounts not fewer than twenty-six fit and proper persons

Election of office-bearers.

persons as managers of the said institution, and also a president, vice-president, treasurer and secretary, and the said president, vice-president, treasurer and secretary and managers shall be the governing body of the institution, and at the same time, by the same persons, there shall be elected from amongst the male subscribers of not less than two dollars annually, or donors of forty dollars, or of lands to the amount of not less than two hundred dollars, twelve gentlemen as a visiting and consulting committee, and all vacancies which may occur in the interval between the annual meetings in their number, either of the office-bearers, managers or visiting and consulting committee, from death, resignation or otherwise, may be filled up at a special meeting of the subscribers, called for the purpose by a notice given in a similar manner to that required to be given for the annual meeting: Provided always, that if from any cause such annual or special meeting shall not take place at the time appointed by the notice, such meeting may be called as aforesaid at any subsequent time. Proviso.

4. The said president, vice-president, office-bearers and managers shall and may send out to service and apprentice thereto, or to any healthy trade or business, all boys having the protection of the institution aforesaid, to such person or persons, and upon such terms as to the said president, vice-president, office-bearers and managers shall seem fit and proper, and for that purpose, and on behalf of and for such boy and themselves, may enter into and make with any person or persons with whom such child may be placed by the said president, vice-president, office-bearers and managers, articles of apprenticeship or agreement, and such articles or agreement may be enforced, as well by action at law or in equity, for breach thereof, warranting such action as by summary application to a magistrate or justice of the peace (who is authorized and empowered to act thereon) on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more justice or justices of the peace in the disputes or difficulties between masters and apprentices: Provided always, that a copy of the articles of the indenture apprenticing such boy shall, within six days from the time such articles were executed, be lodged with the clerk of the municipal council of the City of Hamilton, who is hereby required to file such copy: And provided moreover that no boy having attained the age of fourteen years shall be so sent out to service or apprenticed unless he consents thereto. Apprenticing the boys of the Home.
Proviso.

5. The said president, vice-president, office-bearers and managers, may exercise over and with respect to the boys having the protection of the said institution such powers as their parents or guardians would have or might exercise. Powers of office-bearers over the boys.

6. All property which shall at any time belong to the said institution, as well as the revenues thereof, shall at all times be appropriated Application of the revenues of the institution.

appropriated and applied exclusively to the objects and purposes mentioned in this Act.

Present office-
bearers and
by-laws.

7. The president, vice-president, treasurer, secretary and managers of the said institution shall be and continue to be president, vice-president, treasurer and secretary and managers of the said corporation until others shall be elected in their stead, as provided by this Act; and the by-laws, rules, orders and regulations of the said institution shall be and continue to be the by-laws, rules, orders and regulations of the said corporation until altered or repealed.

Returns to be
made to the
Legislature.

8. It shall be the duty of the said corporation, when thereunto required by the Legislature, to lay before that body a statement of the real or immovable property or estates held by virtue of this Act, and such details thereof as the Legislature may require.

CAP. CLIII.

An Act to incorporate "The Father Matthew Temperance Association of Ontario."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS certain persons have associated themselves in this Province, under the name of "The Father Matthew Temperance Association of Ontario," having for its object the suppression by precept, example and unity of effort of the dangerous and injurious practice of drinking intoxicating liquors; And whereas, the better to promote the moral objects which that association has in view, and to secure the efficient management of its pecuniary affairs, it is desirable that the said association should be protected by an Act of incorporation:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Brother Arnold, Denis O'Brien, W. J. McHenry, Jeremiah Murphy, Mathew O'Connor, Patrick Doyle, John O'Donohoe, Denis O'Connor, Francis Sullivan, Charles J. Sheil, Patrick Boyle, Patrick E. Nealon, Patrick Melady, members of the Father Matthew Temperance Association of Ontario, and their successors, and such and so many other persons and parties as have become or shall become members thereof, shall be and are hereby constituted a body politic and corporate, by the name of "The Father Matthew Temperance Association of Ontario," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law

Corporate
name.

or quity whatsoever, and shall have uninterrupted succession, and a common seal which may by them be changed or varied at their pleasure.

2. The body incorporated by this Act may from time to time and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise, or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise, or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

Power to acquire real property.

and sell, and invest.

3. It shall and may be lawful for the said corporation to appoint such members thereof as they may think proper, in such manner as they may by their by-laws provide for the purpose of managing the funds and property of the said corporation, and to revoke such appointments and substitute others in their places as they may think expedient, and to demand and accept such security as they may from time to time deem proper from such parties, or from any other officers appointed by the said corporation for the performance of their respective duties, and to make, ordain and execute all such by-laws and rules as they may think necessary for the purposes aforesaid, not inconsistent with the laws of this Province.

Power to appoint members to manage; power to make by-laws.

4. Each subordinate branch of the Temperance Association now instituted, or which may hereafter become instituted

Incorporation of subordinate branches.

Powers.

instituted within the Province of Ontario, may in the manner hereinafter specified be and become a body politic and corporate, by the name, number, and place of location by which it is or may be designated in the said association; and each subordinate branch upon so becoming incorporated, shall have all the powers and privileges conferred upon The Father Matthew Temperance Association by the first section of this Act, for the sole purpose of managing their real and personal estate: Provided, that the real estate to be held by such subordinate branch shall in no case exceed five thousand dollars, and shall be only for its actual use and occupation, and for the purposes of such branch.

Real estate.**Preliminaries to incorporation of a branch.**

5. Each subordinate branch which may be desirous of becoming incorporated, shall and may by a vote of two-thirds of its members present, at any regular meeting (of the intention to propose which vote, two weeks' notice at least shall be given in regular meeting of such subordinate branch, by some member thereof in writing), decide to become so incorporated, and upon a copy of the vote of such decision, specifying name, number and place of location of such branch, and the names of not less than ten of the members of such branch, under the seal of the said branch association, and its secretary and presiding officer, together with a certificate of The Father Matthew Temperance Association under its corporate seal, and the signature of its presiding officer and secretary that such branch association is in full standing in the order, being filed in the office of the Registrar of the county in which such branch is situated, the members of such branch association whose names may be included in the vote aforesaid, and their associates and successors members of such branch association shall be and become from the time of filing such certificate as aforesaid, with such Registrar, a body politic and corporate as aforesaid, by the style or name, number and place of location of such branch association.

Investments by branches.

6. It shall and may be lawful for the Treasurer of each branch association so incorporated, and he is hereby empowered from time to time, by and with the consent of such branch association, to be testified in such manner as may be directed by their by-laws, to lay out and invest all such sum and sums of money as shall from time to time be collected and not required for the immediate exigency of such branch association, in public or other stocks or funds, or in such other personal securities as such branch association may deem best; and from time to time with like consent to alter, sell and transfer such securities or funds respectively, and otherwise to reinvest or dispose of the same: And that the certificate, bill of sale, deed, or other instrument of transfer, sale, or discharge of such funds or securities shall be made under the seal of such branch association, and signed by the treasurer and presiding officer of such branch association, and that all such investments shall be

made

made and securities taken, and sales and transfers made in the corporate name and capacity of such branch association.

7. It shall and may be lawful for such branch association when so incorporated to receive from the Treasurer thereof, from time to time, in their corporate name, sufficient security by bond, with one or more surety or sureties or otherwise, as such branch association may deem expedient for the faithful performance of his duty as such, and that he will well and truly account for, and pay, and invest from time to time, all such sums of money, funds or other property as may come to his hands or under his control belonging to the said branch association, as directed by the said branch association.

Security from
treasurers.

8. No member of any branch association when so incorporated shall have any power to assign or transfer to any person or persons whomsoever, any interest which he may have to or in the funds or property of such branch association, but the same shall at all times be and remain under the control of such branch association, and no property or stock of any kind belonging to such branch association shall be subject to the private debts of any of its members, nor be liable to be taken in execution by any judgment creditor against any individual member of such branch association.

Interests of
members in a
branch not to
be assignable
or subject to
execution.

9. The property of each branch association when incorporated, shall alone be held responsible for the debts and engagements of the branch association owning such property.

Property of a
branch alone
liable for its
debts.

10. Upon the dissolution of any branch association so incorporated, the property held by it at the time of such dissolution, after the payment of the debts and engagements of such branch association shall be disposed of, sold or conveyed in such manner as the members present at any regular meeting, when such dissolution shall have been determined upon by a two-third vote, may direct; and in case no disposition of the funds and property of such branch association shall be made, then all such funds and property such branch association may be possessed of at the time of such dissolution shall be, *ipso facto*, vested in The Father Matthew Temperance Association aforesaid, to be by them sold, and applied; first, to the debts or liabilities of such dissolved branch association, and the balance (if any) in such manner as to the said The Father Matthew Temperance Association may seem best for the general interests of their order in the Province of Ontario.

Disposition of
property of a
branch on dis-
solution.

11. If at any time hereafter, any one or more of the branch associations shall become so far involved as to be unable to meet its engagements, then and in such case shall and may be lawful for the said The Father Matthew Association to enter into and upon, and take possession of the said property, both real and personal, of which the said branch association

On insolvency
of a branch
the main body
may assume
possession of
its property.

sociation

Liabilities for
debts of such
branch, suits,
discharges, etc.

sociation so becoming bankrupt shall be possessed, and the same and all debts owing to the said branch association, and all liens and securities therefor, and all the said rights of action of the said corporation, for any goods or estate, real or personal, shall thenceforth and thereafter be and become vested in the members, trustees or officers appointed for the purpose of managing the real and personal estates and effects of the said The Father Matthew Temperance Association, and their successors and assigns; and upon so entering and taking possession of the said estates and effects of the said branch association, the said The Father Matthew Temperance Association, so far as the said property shall extend, shall be and become liable for and subject to all debts and liabilities, contracted by such branch association in its corporate capacity, and shall and may thenceforth substitute the names or name of such trustees or officers as aforesaid for the time being, and of their successors and assigns in all actions then pending, and in their own names or name bring and prosecute all such actions or action, suits or suit as the said branch association might otherwise have done, and may give such releases and such discharges as might have been given by the said branch association, and may convey all such property both real and personal as the said branch association was possessed of or was entitled to at the time of such bankruptcy, and may give all such deeds as may be necessary for the proper conveyance of the same.

Branches to be
subject to the
rules of the
main body.

12. Branch associations incorporated under this Act, and the members thereof shall henceforward be and become subject and amenable to the by-laws, rules and regulations of the The Father Matthew Temperance Association of Ontario, and shall have and exercise all their powers and privileges under this Act, subject to the said by-laws, rules and regulations, and not otherwise.

Returns to
Legislature.

13. It shall be the duty of the said corporation, and also of each and every branch thereof that may become a corporate body under the provisions of this Act, at all times, when thereunto required, from time to time, by the Lieutenant-Governor in Council, or the Legislative Assembly of the Province, to lay before the Assembly, or the Lieutenant-Governor in Council, requiring the same, full and true statements of all the property, real and personal, and all interest therein held by the corporation so required, and also of its liabilities, receipts, and expenditure, and such other details and matters, as to the time of holding, annual or other value at any time or times, time of acquisition, locality, degree of interest in the same held by such corporation, and generally such other information as the Lieutenant-Governor in Council or the Legislature may require.

CAP. CLIV.

An Act to amend the Act respecting the Toronto Magdalene Asylum.

[Assented to 29th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section one of the Act passed in the twenty-second year 22 V., c. 73, s. of the reign of Her Majesty, and chaptered seventy-three, shall ^{1 repealed.} be repealed from and after the passing of this Act, and the following substituted in lieu thereof:

1. The said ladies-directresses, and office-bearers of the said ^{Incorporation.} institution, and their successors in their respective offices, are hereby declared to be a body corporate, under the name of "The ^{Corporate} Toronto Magdalene Asylum and Industrial House of Refuge," ^{name.} and shall, under the said name, have all the corporate powers vested in corporations by the Interpretation Act; and shall ^{Powers of the} have power from time to time to make such by-laws and regu- ^{corporation.} lations for the better government of the said institution as shall be required or seem beneficial, and to alter or repeal the same and make others in their stead: Provided always, that the ^{Proviso.} same be not contrary to the laws of the Province of Ontario, nor to this Act.

2. The body incorporated by this Act may from time to ^{Power to} time and at all times, acquire and hold as purchasers any interest ^{acquire real} in lands and tenements, and the same alienate, lease, mortgage, ^{property,} and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such ^{And sell,} period they shall respectively be absolutely disposed of by the ^{and invest.} said

said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

CAP. CLV.

An Act amalgamating the Nazrey Institute with the Wilberforce Educational Institute, and amending "An Act to incorporate the Wilberforce Educational Institute."

[Assented to 29th March, 1873.]

Preamble.

WHEREAS the Nazrey Institute and the Wilberforce Educational Institute have petitioned for an Act of amalgamation, and it is advisable to grant the same :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The Nazrey Institute and the Wilberforce Educational Institute amalgamated.

1. The Nazrey Institute shall forthwith be amalgamated with, and shall merge in the Wilberforce Educational Institute ; and all the real and personal estate, property, assets and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the Nazrey Institute, shall vest in the Wilberforce Educational Institute ; and shall henceforward for all purposes of bringing or defending actions or suits, civil or criminal, and for all other purposes whatsoever, be deemed to be, and be stated to be the property of the Wilberforce Educational Institute ; and the Wilberforce Educational Institute shall have the same and such powers, rights and privileges in relation to the said property of all descriptions, as the Nazrey Institute now has ; but no suit, action or prosecution being carried on, or power being exercised, in the name of the Nazrey Institute, shall be discontinued or abated by or on account of such amalgamation, but shall continue in the name of the Nazrey Institute ; and the Wilberforce Educational Institute shall have the same rights and liabilities, and shall pay or receive like costs, as if the action, suit or prosecution had been commenced or been defended, in the name of the Wilberforce Educational Institute, for the benefit of or to be satisfied out of the Wilberforce Educational Institute.

Rights of
creditors.

2. The creditors of the Nazrey Institute shall henceforward
to

to all intents and purposes, be and become the creditors of the Wilberforce Educational Institute, and shall have and be entitled to like rights and privileges as creditors of the Wilberforce Educational Institute, as they previously have been and were entitled to as creditors of the Nazrey Institute.

3. The Act of Incorporation of the said The Wilberforce Educational Institute, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered one hundred and thirteen, is hereby amended by striking out of section five of said Act the words "subject to the approval of a judge of the Court of Chancery in Chambers." 35 V., c. 113,
ss. 1 and 5,
amended.

CAP. CLVI.

An Act to incorporate the Hamilton Female Home under the name of "The Home of the Friendless," at Hamilton.

[Assented to 29th March, 1873.]

WHEREAS an institution hath existed for some years past Preamble.
at the City of Hamilton, in the Province of Ontario, under the name of The Hamilton Female Home, for the reformation of repentant females desirous of withdrawing from vice; and to provide a temporary home, instruction and employment for female prisoners discharged from the common gaol, and other females who are either homeless, or whose homes are scenes of vice and temptation, under the management of the ladies hereinafter mentioned; And whereas, the said ladies have by their petition prayed that the said institution may be incorporated under the name of "The Home of the Friendless," and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Elizabeth Fuller McQuesten, President; Christina Hendrie Muir, Vice-President; Charlotte Hills Beasley, Secretary; and Mary E. Pierce Bancroft, Treasurer; and Matilda Park McKenzie, Jane W. Wood, Sophia H. J. Sanford, McC. M. Willson, Melinda C. Williams, Jane H. Street, Helen D. Watson, Jane M.K. Hope, Mary Bickle, and Clarissa M. James, Managers; and James Bancroft, F. M. Willson, Alexander Innes Mackenzie, George A. Young, William E. Sanford, James M. Williams, and John W. Murton, Advisory Committee; and all others who now are or may from time to time be elected to succeed them in manner hereinafter mentioned as president, secretary, treasurer, managers and advisory committee, shall be Incorporation.

Corporate name.

Objects of corporation.

be and they are hereby nominated and constituted a body politic and corporate by the name of "The Home of the Friendless," for the providing of a temporary home, reformation, instruction and employment for discharged female prisoners, and other females who are either homeless or whose homes are scenes of vice, and for the purpose of fitting them to fill useful and suitable situations in life; and shall by that name have perpetual succession, and all the rights vested by the Interpretation Act in corporations generally.

Power to acquire real property.

2. The body incorporated by this Act may from time to time and at all times acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

And sell.

Property of the Female Home transferred to the corporation.]

3. All the property, real and personal, now held by the committee of the said association now in office, or by any member or members thereof, or other person, for the use or benefit of the said Female Home, shall be and is hereby transferred to and vested in the corporation hereby constituted; and the said corporation shall be liable for all the debts, claims and demands lawfully incurred by and existing against any person or persons for and on behalf of the Hamilton Female Home; nor shall any mortgage, lien or other privilege or security

security upon any property hereby vested in the corporation, or any right whatever of any third party whatsoever, be impaired or affected by the transfer of such property from the person or persons now holding the same to the corporation.

4. To conduct the affairs of the corporation there shall be a ^{Board of} board of managers, consisting of twelve ladies, including the president, treasurer and secretary, and an advising board of four gentlemen; with power to add to their number, as shall seem to them desirable; such board to be chosen at the annual ^{Annual meet-} meeting of the society held on the second Wednesday of Octo-^{ings.} ber for that purpose yearly by the ladies then present who are respectively subscribers of a sum not less in amount than one dollar annually; and all vacancies which may occur in the in- ^{Vacancies.} terval between the annual meetings, in the board of manage- ment, may be filled up at any special meeting of the board by themselves: Provided that no act done by such board shall be ^{Quorum.} valid and effectual unless three of their number be present and the major part of these consenting thereto; and the said corporation shall further have the right to make and establish so ^{Right to make} many by-laws, orders and regulations (not being contrary to ^{by-laws, &c.} the laws of this Province or of this Act) as they shall deem useful and necessary for the conduct or government of the said institution.

5. The corporation shall be and is hereby empowered to ^{Power over} compel any one who has once become, and while she is still, an ^{inmates.} inmate of the Home, within the meaning of this Act, to remain in said Home during such time as to them, the corporation, through its board of management, shall seem for the benefit of such inmate.

6. The by-laws, rules, articles and regulations of the Female ^{Present by-} Home shall be and continue to be the by-laws, rules, articles ^{laws to con-} and regulations of the said corporation until altered or re- ^{sistue till} altered. ^{pealed.}

7. The said corporation shall, whenever required by the ^{Statement to} Legislative Assembly of Ontario or the Government of Ontario ^{be made to} to do so, make a statement of their affairs to the Legislature of ^{Legislature.} Ontario.

CAP. CLVII.

An Act for the Sale or other disposition of the Lands belonging to the Estate of the late Nicholas Sparks.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS Nicholas Sparks, in his lifetime of the City of Ottawa, in the County of Carleton, in this Province, Esquire, departed this life intestate, on or about the twentieth day of April, in the year of our Lord one thousand eight hundred and seventy-two, leaving him surviving three children, namely, Mary Sparks, Nicholas Charles Sparks and Sarah Sparks, his heirs and heiresses at law, who were and are infants under the age of twenty-one years, the eldest of them being of the age of five years; And whereas, the said late Nicholas Sparks was possessed of a considerable quantity of real estate, situated within the City of Ottawa and also in the County of Carleton; And whereas, Charles Magee, the administrator of the estate of the deceased, and the guardian of the said infant children, and Caroline Sparks, his widow, and the corporation of the City of Ottawa, have represented that the locking up so large a quantity of real estate is not only injurious to the county and its advancement, but is seriously detrimental to the interests of the family of the said late Nicholas Sparks, and have prayed for the passing of an Act empowering the said Charles Magee to sell and dispose of the said real estate; and it is expedient to grant the prayer of the said petition, and to confer upon the said Charles Magee the powers hereby conferred upon him:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

C. Magee
empowered to
dispose of real
estate.

1. The said Charles Magee shall be, and is hereby authorized and empowered from time to time, as in his judgment occasion may require, to sell and dispose of the real estate of the said late Nicholas Sparks, situated in the City of Ottawa, and also in the County of Carleton, either by public auction or private contract, or partly by public auction and partly by private sale, as to him shall seem best; and to lease and demise the same, or any part or parts thereof, if in his judgment he shall see fit so to do, and to make good, valid and effectual deeds, conveyances, assurances, assignments and leases of the same, in the same manner that the said Nicholas Sparks might, or could have done in his life time: and every such deed or conveyance shall vest all the estate, right, title and interest of the children of the said late Nicholas Sparks, in the purchaser or purchasers, lessee or lessees, his, her or their heirs, executors, administrators and assigns, according to the tenor of such conveyance

veyance and the estate thereby intended to be conveyed: and such sales may be made partly for cash and partly on time, and the said Charles Magee may take and receive from the purchaser or purchasers a mortgage or mortgages on the property so sold, to secure the due payment of the residue of such purchase money and interest: Provided that no lease made under this Act shall exceed the period at which the youngest child living at the time of the said lease being made would attain the age of twenty-one years; and that, as each of the said children attains the age of twenty-one years, no such sale or disposition made thereafter shall, without the consent of such child, affect the share of such child, such consent to be expressed by deed.

2. The said Charles Magee is hereby empowered to make and execute conveyances of such of the real estate of the said late Nicholas Sparks as he had in his lifetime contracted and agreed to sell and convey to the party or parties with whom he made such contracts, his, her or their heirs and assigns, whether such contracts were made by the said Nicholas Sparks, as respected his lands held in severalty or in common with others: and such conveyances shall be held to vest all the estate, right, title and interest of the said deceased at the time of his death, and of his children in the said lands, in the purchaser or purchasers thereof, his, her or their heirs and assigns.

Proviso.

Power to convey to vendees of intestate.

3. The said Charles Magee is hereby authorized and empowered to make partition, and join in any deed or deeds making partition of any lands held by the said late Nicholas Sparks in his lifetime, in common with his sisters, Mary Wright and Esther Slater, and to execute, sign, seal and deliver all deeds and conveyances necessary and needful, effectually to carry out such partition; and to invest in the said Mary Wright and Esther Slater, their respective heirs and assigns, their respective shares of the said lands in severalty; and the effect of such deed or deeds shall be to vest in the said Mary Sparks and Esther Slater and their respective heirs and assigns the part thereof agreed to be their share or portion in severalty, and as respects the share of the said late Nicholas Sparks in the said lands held in common, shall be held to vest in his children and their heirs the share of their late father in severalty as tenants in common: but that nevertheless, the said Charles Magee shall and may lay out the part so allotted to the said children of the said Nicholas Sparks into lots and parcels, and make plans thereof, and lay out streets and commons thereon; or he may join with the said Mary Wright and Esther Slater in so doing, and he shall and may sell and dispose of the said lands when partitioned in like manner, and with the like effect as he is by this Act authorized to sell the other lands of the said late Nicholas Sparks; and he is hereby empowered to execute the necessary conveyances thereof in the same manner, and to the same extent, and with the like effect as he is hereby empowered to do

Powers as to partition.

Effect of deed of partition.

Power to dispose of lands partitioned.

under

under this Act, as respects the other lands of the said Nicholas Sparks.

Power to carry
out a certain
agreement for
partition,

4. The said Charles Magee is hereby authorized and empowered to carry out the agreement of the said Nicholas Sparks, deceased, with the said Mary Wright and Esther Slater, for the partition and division of the lands held by him, in common with the said Mary Wright and Esther Slater, in the City of Ottawa, and of the lands held by the said late Nicholas Sparks the elder, in the City of Ottawa, by virtue of any mortgage or mortgages, the equity of redemption in which was, since the death of the said Nicholas Sparks the elder, conveyed to the said Nicholas Sparks, deceased, and the said James D. Slater, the executors of the said late Nicholas Sparks, the elder; and to convey to the said Mary Wright and Esther Slater respectively, all the estate and interest of the said Nicholas Sparks, in his lifetime, and that of his children since his death, of and in the portions of the said lands so agreed to be conveyed to them respectively in severalty; and to take and receive from the said Mary Wright and Esther Slater, and their respective husbands, a conveyance to the said infant children of the said Nicholas Sparks and their heirs, of that portion of the said lands so agreed, and intended to be conveyed to the said Nicholas Sparks in his lifetime in severalty; and to sell and dispose of the said portions of the said lands, so to be conveyed to the said infant children in severalty; to invest the proceeds thereof as by this Act directed, for the benefit of the said infant children of the said Nicholas Sparks, deceased, and to execute all necessary deeds, conveyances and assurances for effectuating the purposes aforesaid.

to dispose of
the land and
invest pro-
ceeds.

Power to join
with executor
of father of the
intestate, in
conveying
lands vested in
the intestate
and the
executor.

5. The said Charles Magee is also hereby authorized and empowered to join with James D. Slater, the surviving executor of the last will and testament of the father of the said Nicholas Sparks, deceased, in selling and conveying any lands which may have become vested in the said Nicholas Sparks, deceased, and the said James D. Slater; and such conveyance and conveyances shall have the effect of conveying to the grantee all the estate and interest of the said Nicholas Sparks, deceased, in the said last mentioned lands, which he had in his lifetime, and all the estate and interest of his said children therein.

Power to carry
out contracts
of the in-
testate.

6. The said Charles Magee is hereby also empowered to carry out the contracts and agreements of the said Nicholas Sparks, deceased, in the same manner, and to the same extent as the said deceased could do if living; and to do and perform all acts and deeds necessary to be done, in winding up and settling the affairs of the said deceased; and to execute all deeds, conveyances and documents necessary for that purpose.

Power to
arrange as to

7. The said Charles Magee is also authorized and empowered to make such arrangement with the widow of the said Nicholas Sparks,

Sparks, deceased, respecting her dower in the said lands, either by paying her a sum of money in gross for such dower, or arranging that a sum of money shall be invested, and the interest thereof paid her during her life time, or by arranging that one-third of the purchase money shall, on each sale, be invested, and the interest thereof paid to her during her life, or in such other manner as the said Charles Magee shall consider to be best for the interests of the said children of the said Nicholas Sparks, and to pay and apply a portion of the proceeds of the real estate hereinbefore directed to be sold to that purpose: Provided always, that such arrangements shall first receive the sanction of one of the judges of the Court of Chancery.

8. It shall be the duty of the said Charles Magee, and of any trustees or trustee appointed under this Act, to invest and keep invested at all times on mortgage securities, or in Dominion or Provincial Debentures, any moneys arising from such sales, for the benefit of the several parties respectively entitled thereto: and any surplus of the annual produce of the said investments after providing for the care, maintenance, clothing and education of the said children, shall be accumulated by the said Charles Magee in the way of compound interest, by investing the same and the resulting income thereof upon the like securities for the benefit of the several parties who shall be entitled to the principal fund from which the same respectively shall have proceeded: and the said Charles Magee and any trustee appointed under this Act shall also account once in every three years, or oftener, if so required, to the Surrogate Court having jurisdiction within the County of Carleton, for his dealings with the estate.

9. In case of the death of the said Charles Magee before the final execution of the powers and trusts above mentioned, or of his becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Court of Chancery for the Province of Ontario, or any Judge thereof, on the application of the widow of the late Nicholas Sparks, or of one or more of the children of the said late Nicholas Sparks, to nominate and appoint some fit and proper person or persons to act in the place of the said Charles Magee, as trustee or trustees of the estate of the said late Nicholas Sparks, under this Act; and in like manner to appoint another in case of the death or incapacity as aforesaid of the person so appointed, when and so often as occasion may require; and every trustee or trustees so appointed shall have all the powers which are by this Act conferred on the said Charles Magee.

10. No purchaser, alienee or lessee shall be required to see to the application of the purchase money, rents or other considerations in respect of any lease or other disposition made under this Act.

Care and
maintenance
of children.

11. The care of the persons of the said children and their education shall, after the passing of this Act, be given to the mother of the said children, until they shall respectively attain the age of twenty-one years, or marry, whichever shall first happen, unless the Court of Chancery for the Province of Ontario or any Judge thereof shall otherwise order; and such sum and sums of money shall, from time to time, be paid to her for their support, maintenance and education during minority, or until they marry, as the Judge of the Surrogate Court of the County of Carleton for the time being shall and may from time to time settle upon and order; and the receipt of the said mother of the said children for the amount so ordered to be paid to her for such support, clothing and maintenance, and education of the said children shall be a sufficient discharge to the said Charles Magee, and he shall take credit therefor in his accounts; and in the event of the mother of the said children dying, leaving them or any of them under age and unmarried, the care of the persons of such of the said children as shall then be under age and unmarried, and their education shall be given to the said Charles Magee as their guardian.

Security to be
given by
C. Magee.

12. The said Charles Magee shall, before executing any of the powers herein contained, give security for the due investment of the proceeds of the sales of the said lands, and also for the due and proper accounting and paying over of the said moneys according to the true intent and meaning of this Act, and for the performance of the duties imposed upon him by this Act; such security to be by bond, with two or more sufficient sureties, such sureties to be to the satisfaction of the Judge of the Surrogate Court of the County of Carleton, and the said bond shall be filed with the Registrar of the said Surrogate Court.

Remuneration
to C. Magee.

13. The Judge of the Surrogate Court of the County of Carleton for the time being shall from time to time allow to the said Charles Magee a fair and reasonable allowance for his care, pains and trouble, and his time expended in or about the trusteeship and powers conferred upon him by this Act, and in administering, disposing of and arranging and settling the said real estate; and therefor may make an order or orders from time to time, and the same shall be allowed the said Charles Magee in passing his accounts.

CAP. CLVIII.

An Act to vest certain lands in fee in Joseph Whitehead and Margaret Whitehead his wife.

[Assented to 29th March, 1873.]

WHEREAS Joseph Whitehead, formerly of the Village of ^{Preamble.} Clinton, in the County of Huron, but now of the City of Toronto, contractor, and Margaret Whitehead his wife, have presented their petition, stating, amongst other things:—

That the said Joseph Whitehead, prior to his marriage with the said Margaret Whitehead, his present wife, was under a certain indenture of lease from the Canada Company lessee of the said company, with right of purchase to him, of lots fifty-three, fifty-four, sixty-five, and sixty-six in the Maitland concession of the Township of Goderich, in the County of Huron, containing two hundred and forty-seven acres or thereabouts, by which said indenture it was provided that the said Joseph Whitehead should not assign or sublet the said lands without the leave of the said Canada Company, and that the said company would not consent that the said Joseph Whitehead should assign the same upon any trusts or in any form except absolutely free and exempt from all conditions; and further stating that the said Joseph Whitehead, before his intermarriage with his present wife, the said Margaret Whitehead, was desirous of making a settlement upon the said Margaret Whitehead, his then intended wife, and for that purpose did, by an instrument under his hand and seal, and for the reasons aforesaid absolute in form, and with the consent of the said Canada Company, assign the said indenture of lease from the said Canada Company to him, and the lands therein mentioned, being the lands aforesaid, unto one Alexander McDonald for the purposes of the said settlement, and upon certain verbal trusts hereinafter mentioned, who afterwards and subsequent to the said intermarriage, by an instrument under his hand and seal, bearing date the second day of May, one thousand eight hundred and fifty-five, after reciting the instrument of assignment to him, the said Alexander McDonald, of the said indenture of lease from the said Canada Company to the said Joseph Whitehead, and the lands therein mentioned, and the purposes for which the same had been assigned to him, did declare that he held the said indenture of lease and the said lands upon trust for the separate use of the said Margaret Whitehead, for her life, and after her death for such uses as she by any deed should appoint; and in default of appointment for the child or children issue of the said marriage, and in default of any such child or children for and to the use of the right heirs of the said Margaret Whitehead, as by the instrument marked "A," appended to and forming part of this Act, reference being thereunto had will fully appear; and
further

further stating that afterwards the right of purchase in the said indenture of lease was exercised, and the said Joseph Whitehead paid with his own proper moneys the purchase money of and for the said lands, and a deed of conveyance thereof was duly made and executed by the said Canada Company to the Honourable Donald McDonald, to whom the said indenture of lease and the said lands had been assigned for that purpose, he having agreed to advance, and he did advance by way of loan, to the said Joseph Whitehead the said purchase money, for which said loan the said the Honourable Donald McDonald was to have and did have a lien on the same lands; and thereupon and afterwards the said the Honourable Donald McDonald, he having then been repaid the said loan by the said Joseph Whitehead, by indenture bearing date the twenty-eighth day of September, one thousand eight hundred and sixty-one, did, at the joint request of the said Joseph Whitehead and Margaret Whitehead, convey and assure the said lands in fee simple unto the said Alexander McDonald and to one Charles Whitehead, who was and is a son of the said Joseph Whitehead by his first and former marriage, as trustees, to hold the same upon trust, to the use of the said Margaret Whitehead for life, and upon her decease to the use of the said Joseph Whitehead for life, should he survive the said Margaret Whitehead, without power of anticipation to either, and upon the decease of such survivor to convey and assure the said lands in such manner and for such estate as the said Joseph Whitehead and Margaret Whitehead should by joint deed appoint, amongst the issue of the said Joseph Whitehead and Margaret Whitehead from the said marriage, in case there should be any issue, and the issue of the former or first marriage of the said Joseph Whitehead, and in default of issue of either marriage living, and in default of any further appointments, in case of such total default of issue, which is reserved to him alone, then to convey and assure the same lands absolutely to the right heirs of the said Joseph Whitehead, as by the indenture marked "B," appended to and forming part of this Act, reference being thereunto had will fully appear: and further stating there was no issue of the said intermarriage of the said Joseph Whitehead and Margaret Whitehead, and that there was not nor is there any ground for believing there will ever be any issue from such intermarriage, by reason of the age of the said Margaret Whitehead, she being now upwards of fifty years old; and further stating that the only issue of the said former marriage of the said Joseph Whitehead then and now living were and are as follows:—Charles Whitehead, Charlotte Whitehead, the wife of David Ross, and William Whitehead, all of whom are above the age of twenty-one years, and that the only child issue of the marriage last aforesaid deceased was Mary Ann Whitehead, who left her surviving, and who still survive two infant children, lawfully begotten, of tender years, namely, Josephine Fair and William Dixon Fair: and further stating that under and by virtue of a certain deed, and by way of appointment, bearing date the second day of
December

December, one thousand eight hundred and seventy-two, duly made and executed by the said Joseph Whitehead and Margaret Whitehead jointly: In pursuance of the said powers in the said indenture of the twenty-eighth day of September, one thousand eight hundred and sixty-one, the said Joseph Whitehead and Margaret Whitehead did make amongst the issue and the issue of such issue of the said former marriage of the said Joseph Whitehead the following appointment, namely, one-quarter of an acre, so near as can be square in shape, off of the south-west corner of said lot number sixty-six in the said Maitland concession, in the Township of Goderich, to the said Josephine Fair and William Dixon Fair; one-quarter of an acre, so near as can be square in shape, next adjacent and easterly of the said quarter of an acre last aforesaid, to the said Charles Whitehead; one-quarter of an acre, so near as can be square in shape, next adjacent and easterly of the said quarter of an acre last aforesaid, to the said Charlotte Whitehead, wife of the said David Ross; and saving and excepting the grants aforesaid, the residue of said lots, fifty-three, fifty-four, sixty-five, and sixty-six, in the said Maitland concession, in the said Township of Goderich, to the said William Whitehead, as by the indenture marked "C," appended to and forming part of this Act, reference being thereunto had, will fully appear: and further stating that under and by virtue of certain indentures of the respective dates, the sixteenth day of December, one thousand eight hundred and seventy-two, the third day of January, one thousand eight hundred and seventy-three, and the nineteenth day of December, one thousand eight hundred and seventy-two, and made respectively by the said Charles Whitehead and Hannah his wife, the said Charlotte Whitehead and David Ross her husband, and the said William Whitehead, the said Charles Whitehead, Charlotte Whitehead, and William Whitehead did convey and assure unto the said Joseph Whitehead and Margaret Whitehead the several and respective parcels of lands so appointed to them respectively as aforesaid, but so as the said indentures should not operate in any way as a release or destroy or impair the said appointment so made to them respectively as aforesaid, but that the said Joseph Whitehead and Margaret Whitehead should take and hold such estate so purported to be conveyed and assured to them under or through means of such appointment, as by the respective indentures marked respectively "D," "E," and "F," appended to and forming part of this Act, reference being thereunto had, will fully appear; and further stating that the deed of settlement of the twenty-eighth day of September, one thousand eight hundred and sixty-one, varies from the trusts upon which the said lands were assigned to the said Alexander McDonald, and from the terms of the declaration of trust of date, the second day of May, one thousand eight hundred and fifty-five, in that it is in said settlement provided amongst other things that upon the death of the survivor of the said Joseph Whitehead and Margaret Whitehead, should no appointment have been made, the lands should go to the right heirs of the

said Joseph Whitehead, in place of the right heirs of the said Margaret Whitehead, and also in that the said settlement limits the power of the said Margaret Whitehead in appointing, and only permits her joining with her husband, the said Joseph Whitehead, in appointing to and amongst the issue of the said former marriage of the said Joseph Whitehead, the said Margaret Whitehead having no issue, and does not give her the sole and absolute power of appointing generally to whom she might please, as was the terms agreed upon before or upon the said marriage of the said Joseph Whitehead and the said Margaret his wife: and further stating that upon the execution of the said settlement she the said Margaret Whitehead had not the advice of any solicitor on the premises: and further stating that the said lands are farm lands, and yield but a small return by way of rent upon the value thereof, and require the expenditure of much money to keep the same fenced and the buildings and outhouses in repair, and that but little, certainly no adequate return, is derived from the said lands, and by reason of the limited interest reserved by the said settlement to the said Margaret Whitehead, she cannot raise thereout or otherwise any moneys at all adequate for necessary improvements on the said lands, which would not be the case had the said lands remained upon the trusts agreed upon on the said intermarriage of the said Joseph Whitehead and Margaret Whitehead his wife, or were the said lands vested in fee simple in the said Joseph Whitehead and the said Margaret Whitehead freed and discharged from the said settlement: and praying that an Act may be passed confirming the appointments aforesaid, and the conveyance of the said lands from the said Charles Whitehead and Hannah S. his wife, and the said William Whitehead, and the said Charlotte Whitehead, wife of David Ross, to the said Joseph Whitehead and Margaret Whitehead his wife, and declaring the same to be valid and effectual to pass and vest in the said Joseph Whitehead and Margaret Whitehead his wife, their heirs and assigns for ever: the same lands freed and discharged from the trusts aforesaid; And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain deeds
legalized.

1. The said several deeds or instruments marked respectively "A," "B," "C," "D," "E" and "F," appended to this Act, are hereby declared to be and to form, and shall be and shall form part of this Act, and the same deeds or instruments are hereby legalized and made valid and effectual for the intents and purposes for which the same were and each of them was executed, according to the purport, intent, and meaning thereof; and by virtue of the same deeds or instruments lots fifty-three, fifty-four, sixty-five and sixty-six, in the Maitland concession, in the Township of Goderich, in the County of Huron, in the Province of Ontario (saving and

and excepting one-quarter of an acre off of the south-westerly corner of said lot sixty-six, appointed unto Josephine Fair and William Dixon Fair, children of Mary Ann Whitehead, deceased, by the deed forming part of this Act marked "C," are vested in Joseph Whitehead and Margaret Whitehead his wife, in the said several deeds or instruments mentioned, their heirs and assigns for ever, in fee simple, freed and discharged from any trust, created by the said deeds or instruments, or any of them; and also freed and discharged from any interest or estate, vested, contingent, or otherwise, of any of the children of the said Joseph Whitehead, their or any of their heirs.

"A."

Memorandum—That prior to the marriage of the undersigned Joseph Whitehead with Margaret the sister of the undersigned Alexander McDonald, and for the express purpose of making a settlement on the said Margaret in consideration of her then contemplated marriage with the said Whitehead, he, the said Joseph Whitehead, transferred and assigned to the said Alexander McDonald the following lands, namely :

Lots No. 53 in the Maitland Concession,

"	"	54	"	"	"
"	"	65	"	"	"
"	"	66	"	"	"

all in the Township of Goderich, and consisting of two hundred and forty-seven acres and a-half with the appurtenances, and all the estate, title, and interest of the said Whitehead therein ; to have and to hold the same unto the said Alexander McDonald, upon trust for the separate use of the said Margaret, in manner hereafter to be declared by and between the said Whitehead, the said Alexander and the said Margaret :

That in further consideration of the said transfer, the said Alexander had agreed to pay to the Canada Company the balance due them in order to convert the said leasehold premises into freehold, and upon the issue to him of the deed or deeds in fee for the said lots, then to declare the said trusts by a proper deed or instrument for that purpose :

That the said Alexander hath not yet paid the said balance to the Canada Company, nor declared the said trusts in the manner contemplated on the said transfer :

That in the meantime and with the issue of the deed in fee, for the said lots to the said Alexander McDonald, it hath been agreed by and between the said Alexander McDonald, the said Margaret, his sister, now the wife of the said Whitehead, and the said Whitehead to declare shortly the trusts on which the transfer of the said lands was made as aforesaid to the said Alexander McDonald :

Now therefore, these presents witness that in pursuance of the premises the said parties whose names are hereunder signed, do hereby declare that the said lands so transferred as aforesaid

to the said Alexander McDonald are held by him upon the trust following, that is to say:

1. That during the joint lives of the said Margaret and the said Whitehead, the said Alexander shall pay the rents and profits of the said lands (until he convey the same as hereinafter mentioned) to John McDonald, of Goderich, and Donald McDonald, of Toronto, trustees to be named in the deed hereafter to be made concerning the said lands in pursuance of these presents by way of settlement on the said Margaret, to take and receive the same for the separate use of the said Margaret, exclusively of her said husband; remainder to such uses as she by deed executed with the assent and concurrence of the said John and Donald, may appoint; in default of appointment, to the child or children of the said marriage between her and the said Whitehead; and default of appointment in manner aforesaid, and of a child or children issue of the said marriage, then to her own right heirs.

2. That the said Alexander McDonald will pay the said balance purchase money to the Canada Company, and procure the deed in fee of the said lots to issue in his name.

3. That thereupon he will execute a deed of settlement, and thereby convey the said lands to the said John McDonald and Donald McDonald in fee upon the trusts aforesaid, or such other trusts by way of marriage settlement on the said Margaret as she, with the concurrence of the said John and Donald, may in the deed of settlement to be executed as aforesaid to them as trustees for the said Margaret by such deed of settlement declare; Providing always that such other trusts, if any, shall not operate to defeat the settlement of the said lands for the sole and separate use of the said Margaret during her life, and the benefit absolutely, after her death, to the child or children of the said marriage (if any) and if alive at her death.

Witness our hands and seals the second day of May, 1855.

(Signed) JOSEPH WHITEHEAD (L.S.)
MARGARET WHITEHEAD (L.S.)
ALEX. McDONALD (L.S.)

Witness,

(Signed) GEORGE DAVEY.

“B.”

This Indenture, made the twenty-eighth day of September, A.D. 1861: In pursuance of the Act respecting short forms of conveyances between the Honourable Donald McDonald, of the City of Toronto, of the first part; John McDonald, of the Town of Goderich, Sheriff of the united Counties of Huron and Bruce, of the second part; Joseph Whitehead, of the Village of Clinton, in the said County of Huron, yeoman, of the third part; Margaret, his wife, of the fourth part; Alexander McDonald, of the Village of Francistown, in the said county, miller, and Charles

Charles Whitehead, of the Village of Blythe in the said county, miller, the trustees hereinafter mentioned, of the fifth part :

Whereas, prior to the intermarriage of the said Joseph Whitehead with the said Margaret, and for the express purpose of making a settlement on the said Margaret in consideration of her then contemplated marriage with him (which marriage has since been consummated) he, the said Joseph Whitehead, had transferred and assigned to the said Alexander McDonald and his heirs the following lands, that is to say :

Lots numbers fifty-three, fifty-four, sixty-five and sixty-six in the Maitland Concession of the Township of Goderich, consisting of two hundred and forty-seven acres and one-half acre or thereabouts, with the appurtenances, to have and to hold the same unto the said Alexander McDonald, upon the trust for the separate use of the said Margaret in manner thereafter to be declared by and between the said Joseph Whitehead, the said Margaret and the said Alexander McDonald :

And whereas the fee simple in the said lands was then vested in the Canada Company, and the interest of the said Joseph Whitehead therein was that of lessee, with right to purchase the fee simple thereof :

And whereas the said Alexander McDonald had in consideration further of the said transfer to him, agreed to pay to the Canada Company the balance due thereunder the said right to purchase in order to the conversion of the said leasehold into a title in fee simple in the said premises in the exercise of the said right to purchase, and upon the issue to him of the conveyance thereof in fee simple to declare the said trusts by a proper instrument for that purpose :

And whereas delay occurred in the payment of the said balance to the Canada Company, and consequently in the issue of the said conveyance :

And whereas the said Alexander McDonald caused the conveyance of the said lands to be issued to the said Donald McDonald, who paid the purchase money or balance thereof due to the said Canada Company, and he held the said conveyance in trust for the separate use aforesaid, and the said John McDonald was nominated as a co-trustee with him for the same use, but the estate in fee of the said lands vested in the said Donald McDonald :

And whereas the said Donald McDonald loaned to the said Joseph Whitehead the sum of four hundred and twenty-five pounds for the purpose of being applied in the permanent improvement of the said premises, which loan was so applied :

And whereas the said Joseph Whitehead hath agreed to pay to the said Donald McDonald, as well the said balance so paid to the said Canada Company as the said loan upon the execution of these presents :

And whereas it hath been agreed by and between all the parties to these presents that the said premises shall be hereby conveyed in fee simple to the said Alexander McDonald and Charles Whitehead upon the trusts hereinafter declared in respect

spect thereof, and that the said Donald McDonald and John McDonald should be discharged in respect of their said trusteeship:

Now, therefore, this Indenture witnesseth that in pursuance of the premises and also the consideration of the repayment by the said Joseph Whitehead to the said Donald McDonald of the said balance so paid by him to the Canada Company as aforesaid, being, together with the interest thereon, the sum of three hundred and thirty-two pounds thirteen shillings and six pence, and also in consideration of the repayment by the said Joseph Whitehead to the said Donald McDonald of the said loan, being, together with interest, &c., thereon, the sum of three hundred and eight pounds five shillings and two pence (the receipt of both which sums by the said Donald McDonald from the said Joseph Whitehead is hereby acknowledged by the said Donald McDonald, and the said Joseph Whitehead therefrom released), and in further consideration of the sum of five shillings by the said Alexander McDonald and Charles Whitehead paid to the said Donald McDonald at the execution thereof (the receipt whereof also is hereby acknowledged by the said Donald McDonald), he the said Donald McDonald, with the consent of all parties hereto (which consent is testified among other things by their execution hereof) doth grant, bargain, sell and convey unto the said Alexander McDonald and Charles Whitehead jointly, and not as tenants in common, and to the survivor of them and the heirs and assigns of such survivor, all and singular the said lands and premises with their appurtenances, to have and to hold unto them and the survivor of them and the heirs and assigns of such survivor to and for their and his sole use for ever—subject, nevertheless, to the reservations, provisoes and conditions expressed in the original grant thereof from the Crown, and subject also to and upon the trusts herein contained concerning the same, that is to say:

1. Upon trust in the first place during the life of the said Margaret, in case she shall so desire to permit her during her pleasure to occupy the said land, or any part thereof she may choose and to farm and make use of the same, and to receive and enjoy the whole produce and benefit for her sole and separate use in any manner she may deem best, and to the entire exclusion during her life of any right of her said husband or any one else, and without impeachment of waste for anything that may be done thereon or thereto by her order or with her concurrence or approval, it being the true intent of these presents, that during her life she shall have the sole and entire benefit of the said lands in any manner she may deem best, without any impeachment of waste and without any power of anticipation by her:

2. In case the said Margaret shall not desire to occupy the said lands or any part thereof under the last mentioned trust, then upon trust that during her life the said Alexander McDonald and Charles Whitehead shall lease the said lands or such part thereof as the said Margaret shall not occupy at the highest and best rent
which

which can be reasonably got for the same, for such term or terms, at such rent or rents and upon such conditions and covenants as are usual or as shall seem to them best for the separate benefit of the said Margaret, and shall collect and get in the said rents to the best of their ability, and, after retaining enough to pay off all costs, charges and expenses properly incurred by them in and about carrying these presents into effect, shall from time to time pay over the balance of such rents quarterly or otherwise as the rents are received by them into the hands of said Margaret upon her sole receipt, for her own separate use, exclusively of her said husband or any one claiming under him or any one else as long as she lives :

3. In case the said Joseph Whitehead should survive his said wife, then upon trust during his life should he so desire to permit him after the death of his said wife, and during his pleasure, to occupy the said lands or any part thereof he may choose, and to farm and make use of the same and to receive the whole produce thereof for his own benefit without any impeachment of waste ; and, in case the said Joseph Whitehead should not occupy the said lands, or any part thereof, then upon trust that during his life the said Alexander McDonald and Charles Whitehead shall lease the said lands or such part thereof as the said Joseph Whitehead shall not occupy at the best rent which can reasonably be got for the same, for such term or terms, at such rent or rents, and upon such conditions and covenants as are usual or as shall seem to them best for the benefit of the said Joseph Whitehead and shall collect and get in the said rents to the best of their ability and, after retaining enough to pay off all costs, charges and expenses, properly incurred by them in and about carrying these presents into effect, shall, from time to time, pay over the balance or balances of such rents quarterly or otherwise as the rents may be received by them, as the said Joseph Whitehead may direct and appoint by writing under his hand, and without power of anticipation ; and in case of no such appointment then to himself personally ; or in case the said Joseph Whitehead shall, after the death of the said Margaret, so desire, they shall permit him to lease and manage the said land during his life for his own benefit in such manner as he may deem best during his life, after surviving his said wife :

4. Subject to the trusts aforesaid, and after they are completely satisfied and complied with, and from and after the death of the survivor of the said Joseph Whitehead and Margaret his wife, the remainder of the estate conveyed by these presents to the said Alexander McDonald and Charles Whitehead shall be held by them in trust to convey the same in such manner and for such estate as the said Joseph Whitehead and Margaret his wife shall during their joint lives by joint deed appoint among the issue of their said (in case there be such issue) and the issue of the former marriage of the said Joseph Whitehead, or as the survivor of them (in default of such joint appointment) shall by deed or will appoint among the said issue ; and in default of
any

any such appointment as aforesaid, in trust to convey the said remainder by partition, share and share alike, among the said issue of either or both the said marriages as the case may be, alive at the death of the survivor of them the said Joseph Whitehead and Margaret his wife, or in case it be thought preferable by the majority of such issue then alive, in conjunction with the trustees then acting under these presents, to sell the premises and divide all the proceeds amongst such issue of both the issue of the said marriages (in case there be issue of both then alive) or of either of them (in case there be issue then alive of only one of the said marriages), then the said trustees then acting shall sell said premises and divide the proceeds share and share alike as aforesaid : and in default of issue then alive of either of the said marriages, and in default further of any other appointment (in case of such total default of issue) by the said Joseph Whitehead alone to any one else either by will or deed (which last mentioned power of appointment, in case of total default of issue alive at the death of the survivor of them the said Joseph Whitehead and Margaret his wife, is hereby given and reserved to the said Joseph Whitehead), then the said remainder, after the death of such survivor is to be conveyed by the said trustees absolutely to the right heirs of the said Joseph Whitehead, share and share alike, if there be more than one, and if only one such heir, then to that one :

Provided always and it is hereby declared by and between the parties to these presents that the said settlement on the said Margaret during her life, and the said settlement also on the said Joseph Whitehead during his life, in case he should survive the said Margaret, shall alike be without any power of anticipation to either of them ; and neither of them nor both together can in any way sell or dispose of the said settlements or either of them or the benefit of them or either of them by anticipation ; but the same shall be enjoyed from year to year without any anticipation according to the true intent of these presents :

Provided also and it is hereby further agreed by and between the said parties hereto that the said Donald McDonald and John McDonald are hereby released from all liability in respect of the trusteeship aforesaid :

Provided also and it is hereby further agreed by and between the parties hereto, that, in case the said trustees or either of them or any future trustee or trustees to be appointed under these presents shall become incapable of acting under these presents, or shall die during the continuance thereof or shall leave Upper Canada to reside elsewhere, then in any or either of the said cases it shall be lawful for the said Joseph Whitehead and Margaret his wife, during their joint lives, or for the survivor of them, by writing under their, her or his hands as the case may be, to appoint a new trustee or new trustees in room of the trustees so dying, becoming incapable or leaving Upper Canada, and whenever that is done, all proper conveyances shall be executed to vest the said lands in such new trustee or trustees upon the said trusts, which shall not in any case be varied :

Provided

Provided also and it is hereby declared that the said trustees or any future trustee or trustees shall be liable only in case of wilful default, and shall be entitled to reimburse themselves for any money properly disbursed by them in and about the carrying these presents into effect :

And the said Donald McDonald covenants with the said Joseph Whitehead that he has done no act to encumber the said premises : and that he will further assure the same by any proper deed in that behalf : and deliver all deeds and papers relating to the title of the said premises to the said Joseph Whitehead :

In witness whereof the parties aforesaid to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in
the presence of.

As to the signature of Donald
McDonald and execution by him.
—Witness.

(Sgd.) DONALD McDONALD,
(L.S.)

J. McDONALD, (L.S.)

(Sgd.) ALEXANDER McDONALD,
of the City of Toronto, in the
County of York, Barrister at Law.

JOSEPH WHITEHEAD, (L.S.)

As to the signature of J. McDona-
ld and execution by him. Witness.

MARGARET WHITEHEAD,
(L.S.)

(Sgd.) W. EBBS.

ALEXANDER McDONALD,
(L.S.)

(Sgd.) WALTER P. HOWARD, of the
same place, Law Clerk.

C. WHITEHEAD, (L.S.)

(Sgd.) JAMES FAIR.

Received of Donald McDonald within named the following
deeds and papers relating to the within premises under the
within covenant :

- 1 The mortgage for £225.
2. Map of the premises and bed of river.
3. Memorandum of agreement.
4. Lease from the Canada Company of the bed of the
river.
5. A description of the bed of the river adjacent to the pre-
mises.
6. The deed from the Canada Company.

TORONTO, 28th September, 1861.

(Sgd.) McDONALD & BROS.,
For WHITEHEAD.

\$2563.73
28th Sept., 1861,
Per cheque.

Received on the day of the date of the within Indenture of and from the within named Joseph Whitehead, the sum of two thousand five hundred and sixty-three dollars and seventy-three cents, being the consideration money within mentioned to be paid by him to me.

(Sgd.) D. McDONALD.

Witness.

(Sgd.) ALEX. McDONALD,
" WALTER P. HOWARD.

" C."

This Indenture, made this second day of December, in the year of our Lord one thousand eight hundred and seventy-two, between Joseph Whitehead, formerly of the Village of Clinton, in the County of Huron, contractor, but now of the City of Toronto, in the County of York, and Margaret Whitehead, of the same place, wife of the said Joseph Whitehead, parties of the first part; and Charles Whitehead, Charlotte Ross and William Whitehead, all children of the said Joseph Whitehead, parties of the second part; and Josephine Fair and William Dixon Fair, of the third part:

Whereas, under and by virtue of a certain indenture bearing date on or about the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and sixty-one, made between the Honourable Donald McDonald, of the first part; John Macdonald, of the second part; Joseph Whitehead, of the third part; Margaret Whitehead, of the fourth part; Alexander McDonald and Charles Whitehead, of the fifth part; All and singular lots numbers fifty-three, fifty-four, sixty-five and sixty-six in the Maitland concession of the Township of Goderich and County of Huron, were conveyed unto the said Alexander McDonald and Charles Whitehead, upon certain trusts therein mentioned, amongst other, from and after the death of the said Joseph Whitehead and Margaret Whitehead, the remainder of the estate conveyed by the said indenture to the said Alexander McDonald and Charles Whitehead, should be held by them in trust to convey the same in such manner and for such estate, as the said Joseph Whitehead and Margaret, his wife, shall, during their joint lives, appoint, amongst the issue of their marriage, in case there be such issue, and the issue of the former marriage of the said Joseph Whitehead shall, by deed or will, appoint amongst the said issue:

And whereas, there has been no issue of the said Joseph Whitehead and the said Margaret Whitehead, and the only issue of the said former marriage of said Joseph Whitehead surviving are as follows: Charles Whitehead, Charlotte Ross (wife of David Ross), and William Whitehead, children, and Josephine Fair and William Dixon Fair, children of Mary Ann, deceased,

in

in her lifetime wife of the said Thomas Fair, and a daughter of the said former marriage of said Joseph Whitehead :

And whereas, it hath been decided by the said Joseph Whitehead and Margaret Whitehead, that the said lands should be appointed amongst the said issue in the proportions and shares hereinafter mentioned : And these presents are to be taken as such appointment and direction :

Now this indenture witnesseth that, in consideration of the premises, they the said Joseph Whitehead and Margaret Whitehead do hereby, in pursuance of the power in that behalf unto them by the said indenture reserved, appoint and direct the said lands amongst the said issue as follows :

First, one quarter of an acre, so near as can be square in shape, off the south-west corner of lot number sixty-six in the said Maitland concession of the said Township of Goderich, unto Josephine Fair and William Dixon Fair, their heirs and assigns :

Second, one quarter of an acre of the said lot sixty-six, next adjacent to and easterly of the hereinbefore described quarter of an acre, such quarter of an acre to be as near as can be square in shape, unto Charles Whitehead, his heirs and assigns :

Third, one quarter of an acre of the said lot sixty-six, situate next adjacent and easterly of the hereinbefore and lastly described quarter of an acre, such quarter of an acre to be so near as can be square in shape, unto Charlotte Ross, wife of David Ross, her heirs and assigns : and

Fourth, the whole of lots fifty-three, fifty-four, sixty-five and sixty-six in the said Maitland concession, excepting out of lot sixty-six the hereinbefore described three quarters of an acre, unto William Whitehead, his heirs and assigns :

And it is hereby declared that this instrument is executed as the exercise of the power unto the said Joseph Whitehead and Margaret Whitehead, reserved in and by said hereinbefore in part recited indenture, and to be taken and considered as such.

In witness whereof the said Joseph Whitehead and Margaret Whitehead have set their hands and seals.

Signed, sealed and delivered

in presence of

D. McDONALD.

JOSEPH WHITEHEAD (L.S.)

MARGARET WHITEHEAD (L.S.)

“ D. ”

This Indenture, made in duplicate this sixteenth day of December, in the year of our Lord one thousand eight hundred and seventy-two : In pursuance of an Act respecting short forms of conveyances between Charles Whitehead, of Forest House, in Potter County, State of Pennsylvania, one of the United States of America, contractor, of the first part : Hannah S. Whitehead, his wife, of the second part : and Joseph Whitehead,

head, of the City of Toronto, in the County of York, contractor, and Margaret Whitehead, his wife, of the third part :

Whereas, under and by virtue of a certain indenture bearing date on or about the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and sixty-one, and made between the Honourable Donald McDonald, of the first part, John McDonald, of the second part, Joseph Whitehead, of the third part, Margaret, his wife, of the fourth part, Alexander McDonald and Charles Whitehead, of the fifth part : After reciting as therein is recited, it is witnessed for the considerations therein expressed, that the said the Honourable Donald McDonald, at the request and instance of the said parties thereto, did grant, bargain, sell and convey amongst other the lands hereinafter mentioned, unto the said Alexander McDonald and Charles Whitehead, jointly, and not as tenants in common, and to the survivor, his heirs and assigns, upon the, amongst other trusts, for the said Joseph Whitehead and Margaret, his wife, and the survivor for life, and upon the decease of such survivor upon trust, to convey the same in such manner and for such estate as the said Joseph Whitehead and Margaret, his wife, should, during their joint lives appoint, amongst the issue of the said Joseph Whitehead and Margaret, his wife (should there be any such issue), and the issue of the former marriage of the said Joseph Whitehead :

And whereas there has been no such issue of the said marriage of the said Joseph Whitehead and Margaret, his wife, nor is there issue expectant of such marriage, owing to the age of the said Margaret Whitehead, and the said party of the first part is one of the issue of the former marriage of him the said Joseph Whitehead surviving :

And whereas, under and by virtue of a certain deed made by the said Joseph Whitehead and Margaret, his wife, in pursuance of the powers in that behalf made, provided and contained in the hereinbefore in part recited indenture, the said Joseph Whitehead and Margaret, his wife, did appoint and declare part of the land and premises hereinafter mentioned, in favour of the said party of the first part :

And whereas it hath been agreed for divers reasons and considerations, and without releasing, so as to make the said lands subject to the said trusts in the hereinbefore in part recited indenture, that the said party of the first part shall convey unto the said Joseph Whitehead and Margaret, his wife, their heirs and assigns, all and singular the estate so appointed to the said party of the first part as aforesaid, so as the title and holding of or to the said land or premises shall pass to the said Joseph Whitehead and Margaret, his wife, through the said appointing and deed thereof, together with, and as well as all and every, the estate which the said party of the first part may have or become entitled to in any event hereafter, under any of the trusts in the said hereinbefore in part recited indenture contained or otherwise howsoever :

Now this indenture witnesseth that for and in consideration
of

of the premises, and of the sum of one dollar to the party of the first part paid by the said Joseph Whitehead and Margaret Whitehead, he the said party of the first part doth grant, bargain, sell, assign and convey unto the said Joseph Whitehead and Margaret Whitehead his wife, their heirs and assigns, all and singular the estate so given or appointed to the said party of the first part, under the hereinbefore referred to deed of appointment, and hereafter to have come into possession, together with and as well as all and every the estate to which he the said party of the first part may have or can become entitled unto in any event hereafter, under any of the trusts in the said hereinbefore in part recited indenture contained, or otherwise howsoever in, to or out of the following lands and premises, that is to say:— Lots numbers fifty-three, fifty-four, sixty-five and sixty-six, in the Maitland concession of the Township of Goderich, in the County of Huron, consisting of two hundred and forty-seven acres and one-half acre or thereabouts, saving and excepting one-quarter of an acre so near as can be square in shape of the south-west corner of said lot number sixty-six:

To have and to hold the same unto the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns, to and for their sole and only use for ever:

And the said party of the first part doth for himself, his heirs, executors and administrators, covenant to and with the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns:

That he has the right to convey the said lands to the said parties of the third part, notwithstanding any act of the said party of the first part:

And that the said parties of the third part shall have quiet possession of the said lands free from all incumbrances:

And that the said party of the first part will execute such further assurances of the said lands as may be requisite:

And that the said party of the first part has done no act to encumber the said lands:

And the said party of the first part releases to the said parties of the third part all their claims upon the said lands:

And that he will not at any time hereafter hold the said estate so conveyed or purported so to be hereby in any event, but the same shall always be held to the use of the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns:

And the said party of the second part hereby bars her dower in the said lands:

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered in the presence of (Signed) CHARLES WHITEHEAD, (L.S.)
(Signed) HANNAH S. WHITEHEAD, (L.S.)
(Signed) M. KENNEDY.

"E."

This Indenture, made in duplicate this third day of January, in the year of Lord one thousand eight hundred and seventy-three : In pursuance of an Act respecting short forms of conveyances, between Charlotte Ross of the City of Montreal, in the Province of Quebec, wife of David Ross, and the said David Ross of the same place, commercial traveller, of the first part and Joseph Whitehead of the City of Toronto, in the County of York, contractor, and Margaret Whitehead, his wife, of the second part :

Whereas, under and by virtue of a certain Indenture bearing date on or about the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and sixty-one, and John McDonald of the second part ; Joseph Whitehead of the third part ; Margaret his wife of the fourth part ; Alexander McDonald and Charles Whitehead of the fifth part ; after reciting as therein is recited, it is witnessed for the considerations therein expressed, that the said the Honourable Donald McDonald, at the request and instance of the said parties thereto, did grant, bargain, sell, and convey amongst the other lands hereinafter mentioned, unto the said Alexander McDonald and Charles Whitehead jointly and not as tenants in common, and to the survivor, his heirs, and assigns, upon the amongst other trust for the said Joseph Whitehead and Margaret his wife, and the survivor for life, and upon the decease of such survivor upon trust to convey the same in such manner and for such estate as the said Joseph Whitehead and Margaret his wife should during their joint lives appoint amongst the issue of the said Joseph Whitehead and Margaret his wife (should there be any such issue) and the issue of the former marriage of the said Joseph Whitehead :

And whereas, there has been no such issue of the said marriage of the said Joseph Whitehead and Margaret his wife, nor is there issue expectant of such marriage, owing to the age of the said Margaret Whitehead, and the said Charlotte Ross is one of the issue of the former marriage of him the said Joseph Whitehead surviving :

And whereas, under and by virtue of a certain deed made by the said Joseph Whitehead and Margaret his wife, in pursuance of the powers in that behalf made, provided and contained in the hereinbefore in part recited Indenture, the said Joseph Whitehead and Margaret his wife did appoint and declare part of the land and premises hereinafter mentioned, in favour of the said Charlotte Ross :

And whereas, it hath been agreed for divers reasons and considerations, and without re-leasing so as to make the said lands subject to the said trusts in the hereinbefore in part recited Indenture, that the said Charlotte Ross shall convey unto the said Joseph Whitehead and Margaret his wife, their heirs and assigns, all and singular the estate so appointed to the said Char-

lotte Ross as aforesaid, so that the title and holding of or to the said land and premises shall pass to the said Joseph Whitehead and Margaret his wife, through the said appointing, and deed thereof, together with, and as well as all and every, the estate which the said Charlotte Ross may have or become entitled to in any event hereafter, under any of the trusts in the said hereinbefore in part recited Indenture contained, or otherwise howsoever :

Now this Indenture witnesseth, that for and in consideration of the premises, and of the sum of one dollar to the said parties of the first part, by the said Joseph Whitehead and Margaret Whitehead, they the said parties of the first part do grant, bargain, sell, assign, and convey unto the said Joseph Whitehead and Margaret his wife, their heirs and assigns, all and singular the estate so given or appointed to the said Charlotte Ross, under the hereinbefore referred to deed of appointment, and hereafter to have come into possession, together with, and as well as all and every the estate to which they, the said parties of the first part, may have or can become entitled unto, in any event hereafter, under any of the trusts in the said hereinbefore in part recited Indenture contained, or otherwise howsoever, in, to or out of the following lands and premises, that is to say : Lots numbers fifty-three, fifty-four, sixty-five and sixty-six in the Maitland concession of the Township of Goderich, in the County of Huron, consisting of two hundred and forty-seven acres, and one-half acre or thereabouts, saving and excepting one-quarter of an acre so near as can be square in shape, of the south-west corner of said Lot number sixty-six :

To have and to hold the same unto Joseph Whitehead and Margaret Whitehead, their heirs and assigns, to and for their sole and only use for ever :

And the said parties of the first part do for themselves, their heirs, executors and administrators, covenant to and with the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns :

That they have the right to convey to the said parties of the second part, notwithstanding any act of the said parties of the first part :

And that the said parties of the second part shall have quiet possession of the said lands, free from all incumbrances :

And that the said parties of the first part will execute such further assurances of the said lands as may be requisite :

And that the said parties of the first part have done no act to encumber the said lands :

And that the said parties of the first part release to the said parties of the second part all their claims upon the said lands :

And that they will not at any time hereafter hold the said estate so conveyed or purported, so to be hereby in any event, but the same shall always be held to the use of the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns :

In witness whereof, the said parties hereto have hereunto set their hands and seals.

(Signed) CHARLOTTE ROSS, (L.S.)

(Signed) DAVID ROSS, (L.S.)

Signed, sealed and delivered,
in the presence of
(Signed) ROBERT BOOTH.

“ F. ”

This Indenture, made this nineteenth day of December, in the year of our Lord one thousand eight hundred and seventy-two : In pursuance of the Act respecting short forms of conveyances between William Whitehead, of the City of Montreal, in the Province of Quebec, clerk, of the first part ; and Joseph Whitehead, of the City of Toronto, in the County of York, contractor, and Margaret Whitehead, his wife, of the second part :

Whereas under and by virtue of a certain indenture, bearing date on or about the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and sixty-one, and made between the Honourable Donald McDonald, of the first part ; John McDonald, of the second part ; Joseph Whitehead, of the third part ; Margaret, his wife, of the fourth part ; Alexander McDonald, and Charles Whitehead, of the fifth part ; after reciting as therein is recited, it is witnessed, for the considerations therein expressed, that the said the Honourable Donald McDonald, at the request and instance of the said parties thereto, did grant, bargain, sell and convey amongst other the lands hereinafter mentioned unto the said Alexander McDonald and Charles Whitehead jointly and not as tenants in common, and to the survivor, his heirs and assigns, upon the, amongst other, trust for the said Joseph Whitehead and Margaret, his wife, and the survivor for life, and upon the decease of such survivor, upon trust to convey the same in such manner and for such estate as the said Joseph Whitehead and Margaret, his wife, should during their joint lives appoint amongst the issue of the said Joseph Whitehead and Margaret, his wife, (should there be any such issue) and the issue of the former marriage of the said Joseph Whitehead :

And whereas there has been no such issue of the said marriage of the said Joseph Whitehead and Margaret, his wife, nor is there issue expectant of such marriage owing to the age of the said Margaret Whitehead, and the said party of the first part is one of the issue of the former marriage of him, the said Joseph Whitehead, surviving :

And whereas, under and by virtue of a certain deed made by the said Joseph Whitehead and Margaret, his wife, in pursuance of the powers in that behalf made, provided and contained in the hereinbefore in part recited indenture, the said Joseph Whitehead and Margaret, his wife, did appoint and declare part of the said land and premises hereinafter mentioned in favour of the said William Whitehead :

And

And whereas it hath been agreed for divers reasons and considerations, and without releasing so as to make the said lands subject to the said trusts in the hereinbefore in part recited indenture, that the said party of the first part shall convey unto the said Joseph Whitehead and Margaret, his wife, their heirs and assigns, all and singular the estate so appointed to the said William Whitehead as aforesaid, so as the title and holding of or to the said land and premises shall pass to the said Joseph Whitehead and Margaret, his wife, through the said appointing and deed thereof, together with and as well as all and every the estate which the said William Whitehead may have or become entitled to in any event hereafter under any of the trusts in the said hereinbefore in part recited indenture contained or otherwise howsoever.

Now this indenture witnesseth that for and in consideration of the premises and of the sum of one dollar to the said party of the first part by the said Joseph Whitehead and Margaret Whitehead paid, he, the said party of the first part, doth grant, bargain, sell, assign and convey unto the said Joseph Whitehead and Margaret Whitehead, his wife, their heirs and assigns, all and singular the estate so given or appointed to the said party of the first part under the hereinbefore referred to deed of appointment, and hereafter to come into possession, together with and as well as all and every the estate to which he the said party of the first part may have or can become entitled unto, in any event hereafter, under any of the trusts in the said thereinbefore in part recited indenture contained or otherwise howsoever, in, to or out of the following lands and premises, that is to say: lots numbers fifty-three, fifty-four, sixty-five, and sixty-six in the Maitland concession in the Township of Goderich, in the County of Huron, consisting of two hundred and forty-seven acres and one-half acre or thereabouts, saving and excepting one-quarter of an acre, so near as can be square in shape, off the south-west corner of said lot number sixty-six:

To have and to hold the same unto the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns, to and for their sole and only use for ever:

And the said party of the first part doth for himself, his heirs, executors and administrators, covenant to and with the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns:

That he has the right to convey the said lands to the said parties of the second part, notwithstanding any act of the said party of the first part:

And that the said parties of the second part shall have quiet possession of the said lands free from all encumbrances:

And that the said party of the first part will execute such further assurances of the said lands as may be requisite:

And that the said party of the first part has done no act to encumber the said lands, and the said party of the first part releases to the said parties of the second part all his claims upon the said lands:

And that he will not at any time hereafter hold the said estate so conveyed, or purported so to be, hereby in any event, but the same shall always be held to the use of the said Joseph Whitehead and Margaret Whitehead, their heirs and assigns.

In witness whereof the said parties hereto have hereunto set their hands and seals.

(Signed) W. WHITEHEAD, (L.S.)

Signed, sealed and delivered
in the presence of

(Signed) R. A. NELLES.

CAP. CLIX.

An Act to authorize the Law Society of Ontario to admit Charles John Fuller as a Barrister-at-Law.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS Charles John Fuller has by his petition represented that he was, in the year one thousand eight hundred and sixty-eight, admitted to practise as an Attorney of Her Majesty's Superior Courts of Law, and a Solicitor in the Court of Chancery at Toronto, and has been ever since continuously engaged in the practice of his profession; And whereas, for the reasons aforesaid the said Charles John Fuller has prayed that an Act may be passed to enable the Law Society of Ontario to call him to the Bar of Ontario, upon passing the usual preliminary examination as a student for admission to the Law Society and the final examination for call to the Bar, prescribed by the said Law Society; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Law Society
of Ontario
may admit C.
J. Fuller as a
Barrister-at-
Law.

1. It shall and may be lawful for the Law Society of Ontario, in their discretion, and upon payment of the usual fees therefor, at any time to call and admit the said Charles John Fuller to the degree of Barrister-at-Law, and to the practice of the law as such, upon his passing such final examination aforesaid, without his compliance with any other requirements or provisions of law or other rules and regulations of the said Law Society in that behalf, any law, custom, or usage to the contrary notwithstanding.

CAP. CLX.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit Charles Gream to practise as an Attorney and Solicitor therein.

[Assented to 29th March, 1873.]

WHEREAS Charles Gream hath, by his petition, set forth Preamble. that in the year one thousand eight hundred and thirty he was admitted an Attorney of Her Majesty's Courts of Queen's Bench, Common Pleas and Exchequer, at Westminster, and subsequently a Solicitor in the High Court of Chancery in England; that from the time he was admitted until the year one thousand eight hundred and fifty-two, (when he came to Canada) he was constantly engaged in the duties of his profession; that since his arrival in Canada he was for some months in the office of a solicitor, and during the remainder of his residence in Canada, he has been practising as a conveyancer, commissioner and notary public, and advocating causes in the Division Courts, seventeen years of which time he has resided, and still resides in Madoc, in the County of Hastings, and Province of Ontario:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for Her Majesty's Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario, respectively, to admit the said Charles Gream as an attorney and solicitor of the said courts, upon his producing his Westminster certificate of practice, and paying the proper fees in that behalf, any law or usage to the contrary notwithstanding. C. Gream may be admitted an Attorney and Solicitor of the Superior Courts on certain conditions.

CAP. CLXI.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit John Peter MacMillan to practise as an Attorney and Solicitor therein.

[Assented to 29th March, 1873.]

WHEREAS John Peter MacMillan, of the Town of Guelph, hath by his petition set forth that on the second day of February, one thousand eight hundred and fifty-eight, he was duly articulated to a practising attorney and solicitor to serve for

a period of five years, and that he actually served as an articulated clerk for the full period of five years; And whereas, in Easter Term one thousand eight hundred and fifty-nine, he was admitted a member of the Law Society of the Province of Ontario, and in Michaelmas Term one thousand eight hundred and sixty-four he was duly called to the bar of said Province, and his name now remains on the books of the Law Society of said Province as a barrister thereof, and from the time he was so admitted as a barrister as aforesaid he has been continually and is still engaged in the practice of the legal profession; And whereas, the said John Peter MacMillan by his petition further sets forth that his said articles of clerkship were accidentally lost or mislaid, in consequence of which he was unable to comply with the requirements of said Law Society to be entitled to present himself for admission as an attorney and solicitor of said courts, and that he has done everything in his power to qualify himself to be admitted to practise as an attorney and solicitor, but owing to the loss of his said articles he was altogether prevented and precluded from becoming such attorney and solicitor; And whereas, the said John Peter MacMillan is desirous of being admitted to practise as an attorney at law and solicitor in Chancery, and has prayed that an Act may be passed to enable the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario to admit him to practise as an attorney and solicitor of the said Courts respectively, notwithstanding that his said articles are lost or mislaid:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Superior Courts may admit J. P. MacMillan as an attorney and solicitor on certain conditions.

1. That it shall and may be lawful for the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario respectively, on sufficient proof being given that the said John Peter MacMillan has been duly enrolled on the books of the Law Society of Ontario as a member thereof, and that he has passed the required examination before the said society entitling him to be called to the bar, and that he has been duly admitted a barrister at law, and still appears as such on the books of said society; and since his admission as aforesaid he has been exclusively and is still engaged in the practice of the legal profession; and that he has been articulated to a practising attorney and solicitor for a period of five years; and upon his making an affidavit that he has served under articles for the period by law required, to admit the said John Peter MacMillan as an attorney and solicitor of the said Courts respectively, any law or usage to the contrary notwithstanding, upon payment of the proper fees in that behalf.

CAP. CLXII.

An Act to authorize the Law Society of Ontario to admit William Robert White as a Barrister-at-Law.

[Assented to 29th March, 1873.]

WHEREAS William Robert White has by his petition Preamble.
set forth and represented that in Easter Term, in the year of our Lord one thousand eight hundred and sixty-eight, he passed the necessary examination and was duly admitted, sworn, and enrolled an attorney of Her Majesty's Courts of Queen's Bench and Common Pleas, and a solicitor of the Court of Chancery in Ontario, and has ever since been actively engaged in the practice of his said profession: And hath also shewn that he was on the eleventh day of February (Hilary Term), in the year of our Lord one thousand eight hundred and sixty-eight, duly admitted a member of the Law Society of Ontario as a student of the laws, and afterwards attended the lectures of the said Law Society during the said Hilary Term and the Easter Term following, as was then prescribed by the rules of said Law Society for the members thereof, prior to being called to the bar; And whereas, subsequent to said Easter Term, in the year of our Lord one thousand eight hundred and sixty-eight, a change was made in the rules of the said Law Society, requiring members thereof to pass certain intermediate examinations before being called to the degree of barrister-at-law, in lieu of attending the said lectures of the said society; And whereas, for the reasons aforesaid, the said William Robert White has prayed that an Act may be passed to enable the said Law Society of Ontario and the benchers thereof to call him to the degree of barrister-at-law; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Law Society of Ontario, upon payment of the usual fees, at any time to call the said William Robert White to the degree of barrister-at-law, on passing such final examination as may be prescribed by the said society, without his compliance with any further requirements or other rules and regulations of the said society in that behalf, any law, custom, or usage to the contrary notwithstanding.

The Law Society to admit W. R. White to the degree of Barrister-at-Law on certain conditions.

CAP. CLXIII.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit Robert Wardrop to practise as an Attorney and Solicitor therein.

[Assented to 29th March, 1873.]

Preamble.

WHEREAS Robert Wardrop, of the City of Toronto, hath by his petition set forth that in the year one thousand eight hundred and sixty-five he graduated with honours at the University of Toronto, and that in the year one thousand eight hundred and sixty-seven he was duly admitted a member of the Honourable Society of Lincoln's Inn, of the City of London, England, and that he was duly called to the bar of the Superior Courts in England in the year one thousand eight hundred and seventy-one, and still remains a member of the said bar; and that he was duly called to the Bar of Ontario, in Hilary Term, one thousand eight hundred and seventy-two; and that his name now remains upon the books of the Law Society of Ontario, as a barrister thereof; and that from the time he was first admitted to practise as a barrister in Ontario, he has been engaged in the practice of his profession in Ontario, and is still so engaged; and that he has articulated himself to an attorney and solicitor and has done everything in his power, since his return to this country, to qualify himself to be admitted to practise as an attorney and solicitor: And whereas, the said Robert Wardrop is desirous of being admitted to practise as an attorney at law and solicitor in Chancery; and has prayed that an Act may be passed to authorise the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario to admit him to practise as an attorney and solicitor of the said courts respectively, notwithstanding that he has not been articulated to a practising attorney and solicitor for the full period of three years:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Superior
Courts may
admit R.
Wardrop as an
attorney and
solicitor.

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery respectively, on sufficient proof being given that the said Robert Wardrop has duly been called to practise at the Bar of the Superior Courts in England, and has had the degree of barrister-at-law conferred on him by the Law Society of Ontario, and that his name now remains on the books of the said society, and that he has duly and properly served under articles of clerkship to a practising attorney and solicitor, from the time from which he first bound himself under articles to a practising attorney and solicitor up to the passing of this Act, to admit the said Robert Wardrop as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding, upon payment of the proper fees in that behalf.

SECOND SESSION, SECOND PARLIAMENT.

TABLE OF CONTENTS.

CAPS.	PAGES.
1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-three, and to provide for certain sums expended for the Public Service in the year one thousand eight hundred and seventy-two	3
2. An Act to amend the law respecting elections of Members of the Legislative Assembly and respecting the trial of such Elections.	12
3. An Act respecting the appointment of Queen's Counsel	22
4. An Act to regulate the precedence of the Bar of Ontario.....	22
5. An Act respecting Commissioners for taking affidavits	23
6. An Act respecting Official Securities, and the registration of instruments creating obligations to the Crown	25
7. An Act further to amend the Act intituled "An Act respecting the Court of Error and Appeal"	27
8. An Act for the better administration of Justice in the Courts of Ontario.....	27
9. An Act to amend "The Common Law Procedure" Act.....	41
10. An Act to amend the Law of Evidence.....	43
11. An Act to facilitate the proof of telegraph messages, letters and other written instruments.....	44
12. An Act with reference to Evidence and Witnesses before Arbitrators	45
13. An Act to amend the Upper Canada Jurors' Act, so as to provide for the payment of Special Jurors.....	47
14. An Act to provide for the recovery of Costs in undefended Actions of Ejectment.....	48
15. An Act to amend the Law respecting Stamps on Law Proceedings and Registrations.....	49
16. An Act to amend the several Acts respecting Partition of Real Estate.....	49
17. An Act to further amend the "Registration of Titles (Ontario) Act."	52

CAPS.	PAGES
18. An Act to facilitate the conveyance of Real Estate by Married Women	54
19. An Act further to amend the Act intituled "An Act to secure to wives and children the benefit of assurances on the lives of their husbands and parents."	57
20. An Act to consolidate and amend the Laws as to Wills	59
21. An Act respecting the Administration of Estates of Intestates, in which the Crown is interested	71
22. An Act for the protection of persons improving Land under a Mistake of Title	72
23. An Act to amend the Act respecting the Registration of Co-partnerships, and of other business firms	72
24. An Act to Amend the Act respecting Master and Servant	73
25. An Act to facilitate agreements between Masters and Workmen for participation in profits	74
26. An Act to facilitate the adjustment of disputes between Masters and Workmen	75
27. An Act to establish Liens in favour of Mechanics, Machinists and others	79
28. An Act to continue the Act passed in the twenty-fifth year of Her Majesty's reign, chaptered thirty, respecting the Regulations of the Council of Public Instruction	83
29. An Act respecting the University of Toronto	83
30. An Act to establish a School of Practical Science	94
31. An Act to make further provision as to the Custody of Insane Persons	96
32. An Act respecting institutions for the Education and Instruction of the Deaf and Dumb and the Blind in the Province of Ontario.	110
33. An Act to provide for the establishment of an Hospital for the reclamation and cure of Habitual Drunkards	112
34. An Act to amend the Acts respecting Tavern and Shop Licenses.	118
35. An Act to provide for the Incorporation of Immigration Aid Societies in the Province of Ontario	123
36. An Act to Amend the Agricultural and Arts Act	128
37. An Act further to amend the Agricultural and Arts Act	131
38. An Act to authorize a further expenditure of Public Money for Drainage Works	132
39. An Act to authorize the investment of certain moneys in debentures to be issued for the construction of Drainage Works by Municipalities	142
40. An Act for the improvement of Water Privileges	153
41. An Act to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered thirty-one, in reference to Joint Stock Road Companies	

TABLE OF CONTENTS.

iii

CHAPS.	PAGES.
42. An Act further to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered thirty-one, in reference to Joint-Stock Road Companies.....	157
43. An Act respecting the Public Health.....	157
44. An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario...	164
45. An Act for the protection in Ontario, of Insectivorous and other Birds beneficial to Agriculture.....	179
46. An Act to provide for the making of double tracks in snow roads.	181
47. An Act respecting the Municipal Loan Fund debts, and respecting certain payments to Municipalities ...	183
48. An Act respecting Municipal Institutions in the Province of Ontario	192
49. An Act to organize the Municipality of the District of Muskoka for certain purposes	347
50. An Act to organize the Municipality of Shuniah, and to amend the Acts for establishing Municipal Institutions in unorganized districts	350
51. An Act to Incorporate the Town of Brampton	355
52. An Act to authorize the Council of the Village of Brampton to change the course of the River Etobicoke and for other purposes	357
53. An Act to amend an Act intituled "An Act to Incorporate the Town of Collingwood," and to define the Boundaries of the said Town.....	363
54. An Act to Incorporate the Village of Exeter, in the County of Huron ...	363
55. An Act to Incorporate the Town of Orangeville and to define the limits thereof.....	366
56. An Act to authorize the Corporation of the Town of Clifton to pass By-laws for licensing and regulating Hacks and Carriages and their Drivers, and for other purposes	370
57. An Act to unite the Municipality of the Village of Ashburnham, in the County of Peterborough, with the Municipality of the Town of Peterborough, in the said County	372
58. An Act to enable the Corporation of the Township of Romney to alter, widen, straighten and continue certain side roads in said Township.....	374
59. An Act to provide for the permanent establishment of certain Side Lines in the Townships of Whitby and East Whitby.....	377
60. An Act to establish and declare the mode in which the Side Lines of the Lots in the Township of Emily, in the County of Victoria, shall run.....	378
61. An Act to legalize and confirm a Survey made by Charles Rankin, Provincial Land Surveyor, of certain Lots in the Fourth Concession of the Township of Colchester	379

CAPS.	PAGES.
62. An Act to amend "An Act to consolidate the debt of the Town of Ingersoll."	380
63. An Act concerning certain Streets and for acquiring land for Market purposes in the City of London	381
64. An Act to enable the Corporation of the City of Toronto to dispose of certain lands known as the Bowes Property.....	384
65. An Act to vest in the Corporation of the County of York, certain property situated in the City of Toronto.....	385
66. An Act respecting the Fair Ground of the County of Oxford, and the Public Square of the Town of Woodstock.....	387
67. An Act to enable the Corporation of the Town of Cornwall to exempt from taxation certain manufactures within the town for any period, not exceeding twenty-one years	389
68. An Act respecting the position of the Port Whitby and Port Perry Railway Company under the Acts in aid of Railways.....	389
69. An Act to incorporate "The Dresden and Oil Springs Railway Company"	390
70. An Act to incorporate "The Erie and Huron Railway Company."	399
71. An Act to incorporate "The Guelph and Collingwood Railway Company".....	409
72. An Act to Incorporate "The Hamilton, Guelph and Orangeville Railway Company.".....	420
73. An Act to incorporate "The Prince Edward County Railway Company.".....	431
74. An Act to incorporate "The St. Mary's and Credit Valley Railway Company.".....	438
75. An Act to incorporate "The Lake Simcoe Junction Railway Company."	449
76. An Act to incorporate "The Trent Valley Railway Company."	459
77. An Act to incorporate "The Yorkville Loop Line Railway Company.".....	471
78. An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company	480
79. An Act to amend the Act incorporating the Toronto and Nipissing Railway Company	483
80. An Act to amend the several Acts relating to the Credit Valley Railway Company.....	484
81. An Act respecting the Streetsville and Port Credit Junction Railway Company.....	487
82. An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway Company.	491
83. An Act to correct an error in the Act of the present Session, intituled "An Act to amend the Acts incorporating the Wellington, Grey and Bruce Railway Company".....	495

TABLE OF CONTENTS.

v

CAPS.	PAGES.
84. An Act to amend the Act incorporating the Hamilton and North Western Railway Company, and to enable them to extend their line to Collingwood.....	496
85. An Act further to amend the Act incorporating the Hamilton and Lake Erie Railway Company, and to confirm certain Agreements for granting running powers to other Companies over their line of Railway, and for other purposes.....	499
86. An Act respecting the Canada Southern Railway Company....	505
87. An Act consolidating and amending the Act incorporating the Stratford and Huron Railway Company, and the Acts reviving and amending the same	508
88. An Act to amend the Act intituled "An Act to incorporate the Port Dover and Lake Huron Railway Company," and to extend the powers conferred upon the said Company.....	521
89. An Act to amend the Act intituled "An Act to incorporate the London, Huron and Bruce Railway Company," and an Act intituled "An Act respecting the London, Huron and Bruce Railway Company" and to extend the powers conferred upon the said Company, and for other purposes	523
90. An Act to amend the Acts relating to the Midland Railway of Canada, to extend the time for the completion of its extensions, and to authorize the issue of second mortgage bonds.....	528
91. An Act to amend and extend the Provisions of the Act incorporating the Simcoe and Port Ryerse Tram or Railroad and Harbour Company.....	529
92. An Act further to amend the Act incorporating the Norfolk Railway Company	536
93. An Act respecting the Omemee, Bobcaygeon and North Peterborough Junction Railway Company.....	537
94. An Act to revive and amend the Act incorporating the Presque Isle and Belmont Railway Company.....	538
95. An Act to authorize the Cobourg, Peterborough and Marmora Railway and Mining Company to extend their line of Railway, and for other purposes.....	540
96. An Act to amend the Act intituled "An Act to incorporate the Brockville and Westport Railway Company".....	543
97. An Act to amend the Act intituled "An Act to incorporate the Fenelon Falls Railway Company," and the Act intituled "An Act to amend an Act intituled 'An Act to incorporate the Fenelon Falls Railway Company.'"	544
98. An Act to confirm and legalize certain By-laws passed by the Corporation of the Village of Renfrew, the Township of Horton, and the Township of Admaston, to subscribe for capital stock in the Canada Central Railway Company	546
99. An Act to incorporate "The London Street Railway Company."	548
100. An Act to incorporate "The Hamilton Street Railway Company."	552

CAPS.	PAGES.
101. An Act to remove certain doubts as to the powers of the Proprietors of the Toronto Street Railway, and to incorporate them and others under the name of "The Toronto Street Railway Company," and for other purposes.....	555
102. An Act for the construction of Water Works for the City of London.....	558
103. An Act to increase the Capital Stock of the City of Kingston Water-Works Company, and to amend the Act of Incorporation of the said Company.....	572
104. An Act to Amend the Act for the construction of Water-Works for the City of Ottawa	575
105. An Act to incorporate "The Three A Silver Mining Company of Thunder Bay, Ontario.".....	581
106. An Act to incorporate "The Beck Mining Company of Marmora"	587
107. An Act to incorporate "The Black Bay Silver Mining Company."	592
108. An Act to incorporate "The Cornish Silver Mining Company of Canada."	597
109. An Act to incorporate "The Gatling Gold and Silver Mining Company."	601
110. An Act to incorporate "The Hubbard Silver Mining Company" of Thunder Bay	607
111. An Act to incorporate "The Silver Harbour Mining Company of Thunder Bay, Ontario.".....	611
112. An Act to incorporate "The Carp River Improvement Company of Thunder Bay.".....	617
113. An Act to incorporate "The Agricultural Emporium of Ontario."	624
114. An Act to incorporate "The Toronto Gravel Road and Concrete Company."	631
115. An Act to incorporate "The London and Petrolia Oil Pipe Company."	633
116. An Act to incorporate "The Lyn General Manufacturing Company.".....	639
117. An Act to incorporate "The Fire Extinguisher Manufacturing Company."	645
118. An Act to incorporate "The Hamilton Warehousing and Transportation Company."	651
119. An Act to incorporate "The Clifton Water Power and Manufacturing Company."	657
120. An Act for the further Improvement of the Cobourg Harbour....	663
121. An Act respecting "The Colonial Trusts Corporation (Limited)"	665
122. An Act to amend the Act passed in the twenty-second year of Her present Majesty's reign, chaptered one hundred and thirty-three, and intituled "An Act to incorporate the Canada Landed Credit Company," and to extend the powers conferred upon the said Company	667

TABLE OF CONTENTS.

vii

CAPS.	PAGES.
123. An Act further to amend the Act incorporating the President, Directors and Company of the Credit Harbour.....	668
124. An Act to amend the Charter of the Bathurst and Tay River Macadamized Road Company.....	669
125. An Act to amend the Act intituled "An Act to authorize and empower the Canada Company to divert the River Aux Sables, and to drain lands in the Township of McGillivray, Bosanquet and Stephen, in the Counties of Middlesex, Lambton and Huron	671
126. An Act to incorporate the Toronto Fuel Association	673
127. An Act to incorporate the Toronto Financial Corporation.....	679
128. An Act to revive and amend the Act incorporating the Toronto House-building Association	685
129. An Act to incorporate the Toronto Opera House Company.....	690
130. An Act to authorize an addition to the capital stock of the Consumers' Gas Company of Toronto	694
131. An Act to incorporate the Hamilton Club	695
132. An Act to incorporate the Cobourg Hotel Company.....	698
133. An Act to vest certain lands, situate in the City of London, in the Electoral Division of East Middlesex County Agricultural Society, and to enable the said society to convey the same.....	708
134. An Act to enable the London Freehold and Leasehold Land Benefit Building Society, and the London Union Savings Loan and Permanent Investment Society to amalgamate with the Agricultural Investment Society and Savings Bank.....	709
135. An Act respecting the property of Religious Institutions in the Province of Ontario.....	713
136. An Act relating to Christ Church, Ottawa.....	719
137. An Act to incorporate the Temporal Committee of Knox Church, in the City of Ottawa	720
138. An Act to vest certain property in the Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Township of Cumberland, with power to mortgage, sell and convey the same, and for other purposes	726
139. An Act to vest certain Lands in the Trustees of the Congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope	729
140. An Act to legalize and confirm sales and conveyances of certain lands in the City of London, heretofore effected and made by the Trustees of the Presbyterian Congregation of the City of London, in connection with the Church of Scotland.....	731
141. An Act to enable the Trustees of Knox Church in Owen Sound to sell certain Church Property	733

CAPS.	PAGES.
142. An Act to Amend the Act of Parliament of the late Province of Canada, passed in the eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-two, and to incorporate the Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario	734
143. An Act to incorporate the Brothers of the Christian Schools.....	736
144. An Act respecting the Methodist New Connexion Church of Canada	738
145. An Act to incorporate the Toronto Baptist Missionary Union...	745
146. An Act to incorporate the Canada Congregational Missionary Society.....	747
147. An Act to incorporate the Superannuated Preachers' Annuitant Society in connection with the Methodist New Connexion Church of Canada	749
148. An Act to incorporate the Dundas Wesleyan Institute.....	751
149. An Act to incorporate the Beechwood Cemetery Company of the City of Ottawa	758
150. An Act to incorporate the Toronto Eye and Ear Infirmary.....	762
151. An Act to amend the Act intituled "An Act to incorporate the Orphans' Home and Female Aid Society, Toronto.....	764
152. An Act to incorporate the Boys' Home of the City of Hamilton.	765
153. An Act to incorporate the Father Matthew Temperance Association of Ontario	768
154. An Act to amend the Act respecting the Toronto Magdalene Asylum	775
155. An Act amalgamating the Nazrey Institute with the Wilberforce Educational Institute, and amending "An Act to incorporate the Wilberforce Educational Institute."	774
156. An Act to incorporate the Hamilton Female Home under the name of the Home of the Friendless at Hamilton	775
157. An Act for the sale or other disposition of the lands belonging to the estate of the late Nicholas Sparks	778
158. An Act to vest certain lands in fee in Joseph Whitehead, and Margaret Whitehead, his wife	783
159. An Act to authorize the Law Society of Ontario to admit Charles John Fuller as a Barrister-at-law.....	802
160. An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery, for Ontario, to admit Charles Gream to practise as an Attorney and Solicitor therein	803
161. An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit John Peter McMillan to practise as an Attorney and Solicitor therein.....	803
162. An Act to authorize the Law Society of Ontario to admit William Robert White as a Barrister-at-Law	805
163. An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit Robert Wardrop to practise as an Attorney and Solicitor therein.....	806

INDEX

TO

ACTS OF THE PROVINCE OF ONTARIO.

SECOND SESSION, SECOND PARLIAMENT, 36 VICTORIÆ.

	PAGE
Acts, continued.....	83
Admaston. <i>See</i> Railway, Canada Central.....	546
Administration of intestates' estates, wherein the Crown interested ...	71
Administrator, powers. <i>See</i> Will.	
" with will annexed. <i>See</i> Will.	
Affidavits in territorial districts, &c., power to appoint Commissioners to take.....	24
" " " former Commissioners as to, confirmed.....	24
" Commissioner or Assistant Commissioner of Crown Lands may issue commissions to take.....	24
" Commissioner to take may administer oath of office to local masters or deputy registrar.....	24
Affirmation. <i>See</i> Affidavits.....	24
Agricultural and Arts Act amended.....	128, 131
" Veterinary surgeon, penalty for assumption of title.....	128
" prosecutions, penalties, &c.	128, 129
" exhibition buildings, erection of	129
" Dairymen's Associations, incorporation.....	129
" " " aid to, by Provincial Treasurer...	130
" " " meetings, powers, &c.	130
" " " cheese fairs	130
" " " returns to Commissioner of Agriculture	130
" mortgage, powers as to.....	131
" Horticultural Societies in cities, towns and villages.....	131
Agricultural Emporium of Ontario, incorporation of	624
Agricultural Society and Bank. <i>See</i> London Building Society	709
Algoma, amendment of Act as to	354
Arbitration. <i>See</i> Evidence.....	45, 46
Ashburnham, Village of, united to Town of Peterboro'.....	372
Assurance. <i>See</i> Insurance.....	57
Aux Sables, river of. <i>See</i> Canada Company	671
BAR, precedence at the	22
Bathurst and Tay River Road Co., amendment of Act	669

	PAGE.
Beechwood Cemetery Co., Ottawa, incorporation of.....	758
Birds, protection of certain.....	179
Blind, Institution for at Brantford	110
Boys Home of the City of Hamilton, incorporation of	765
Brampton, incorporation of Town of.....	355
“ authority to change course of river Etobicoke	357
Brothers of Christian Schools, incorporation of	736
CANADA CONGREGATIONAL MISSIONARY SOCIETY, in-	
corporation of	747
Canada Company, power that certain lands be exempt from taxes.....	671
Canada Landed Credit Company, amendment of Act, powers.....	667
Carp River Improvement Company, incorporation of	617
Christ Church, Ottawa, power to issue debentures	719
Clifton, town of, authority as to hacks, carriages, &c.....	370
Clifton Water Power and Manufacturing Company incorporated.....	657
Cobourg Harbour, improvement of.....	663
Cobourg Hotel Co., incorporation of.....	698
Colchester, Township of, confirmation of Rankin's Survey.....	379
Collingwood, Town of, amendment of Act incorporating	363
Colonial Trusts Co. (limited), powers to	665
Commissioner of Crown Lands. <i>See</i> Affidavits.....	24
Common Law Procedure Act, to amend. <i>See</i> Evidence	41
“ “ “ records in County Courts.....	41
“ “ “ venire, form of	41
“ “ “ postea, when no jury, form of.	41 42
“ “ “ records, when to be entered.....	41
“ “ “ notice to plead, &c.....	42
“ “ “ subpoena, teste of.....	42
Co-partnership. <i>See</i> Partnership	72
Cornwall, Town of, power to exempt manufacturers from tax.....	389
County Court Records, form of.....	41
Court. <i>See</i> Error and Appeal.....	27
County Judges Criminal Court. <i>See</i> Justice.....	39
Credit Harbour Co., amendment of Act.....	668
Crown Bonds, &c., lien of, on lands abolished after 1st January next...	26
DAIRYMEN'S ASSOCIATION. <i>See</i> Agricultural and Arts Act....	
Deaf and Dumb, institution for at Belleville.....	110
Deputy Registrar. <i>See</i> Affidavit.....	24
Devise. <i>See</i> Will.....	59
Drainage,* expenditure of public money for	132
“ “ accounts to be kept.....	132
“ Commissioner may undertake on request, &c.....	132
“ extension of into adjoining municipalities	133
“ assessment, assessors, &c.....	133, 134
“ “ deposit of rolls, evidence, &c.	137
“ charging municipalities benefited by	134, 135
“ arbitrations between municipalities.....	135, 136
“ repairs and maintenance.....	136
“ charge on every person using a drain	137

	PAGES.
Drainage— <i>continued.</i>	
“ ditches, stumps, construction of roads	137
“ collection of assessments and rent-charge.....	137, 138
“ rent-charges, remittance to Provincial Treasurer	138
“ “ “ in case of Crown Lands, accounts, &c	139
“ lessee, &c., increase of his rent by reason of improvement...	139
“ “ “ paying rent-charge, may deduct from rent.....	139
“ disputes as to boundaries, &c.	140
“ “ damages	140
“ damages, assessments to pay, appeal, &c.....	140, 141
Drainage by municipalities, Act as to.....	142
“ by-laws, power to pass.....	142
“ “ “ “ as to draining, &c.,	143
“ “ “ “ “ borrowing	143
“ “ “ “ “ levying rates.....	143
“ “ “ “ “ payment of rates.....	143
“ “ “ “ “ property liable	143
“ “ “ “ “ appeal from assessment.....	143
“ Appeal, Court of.....	143
“ “ to County Judge	144
“ extension into other municipalities.....	144
“ charging lands in other municipalities.....	144, 145
“ arbitrations between municipalities	145, 146
“ repairs and maintenance.....	146
“ user of drain by another municipality or person.....	147
“ proceedings by Townships for sale of debentures, &c.....	147
“ Commr. of Works to investigate as to investments, &c.	147, 148
“ purchase out of Cons. Rev. Fund of debentures	147
“ remittances to Prov. Treasurer, &c., default therein, &c. ...	148
“ damages, arbitration as to.....	149
“ continuing underdrains by any person.....	149
Drunkards, hospital for	112
“ superintendent, appointment of.....	112
“ “ report by.....	113
“ “ powers.....	114
“ inspector, powers, duties.....	112, 113, 114
“ admission, voluntarily.....	114
“ discharge	114
“ maintenance of voluntary patients.....	115
“ commitment of habitual.....	115, 116
“ retaking on escape	117
“ maintenance	117
“ sale of property of.	117
“ rights of property of, to be determined before County Court Judge	118
“ expenses of conveyance to hospital	118
Dundas Wesleyan Institute, incorporation of.....	751

EAST MIDDLESEX COUNTY AGRICULTURAL SOCIETY,	
Act to vest certain lands in London, in electoral division of.....	708
East Whitby. See Whitby	377

	PAGES.
Ejectment, costs in undefended actions	48
Ejectment. <i>See</i> Justice	40
Emily, township of, establishment of course of side-lines	378
Equitable interests. <i>See</i> Justice	34, 35
Error and Appeal, Court of, amendment of act as to	27
“ “ ss. 22, 23, amended	27
Etobicoke, river of. <i>See</i> Brampton	357
Evidence of husband and wife	43
“ in actions by or against executors, &c.	44
“ “ lunatics	44
“ by copies in lieu of originals of written instruments	44
“ by subpoena before arbitrators	45, 46
“ before arbitrators to be on oath	46
“ “ commissions to take evidence	46
Executors, powers. <i>See</i> Will.	
Exeter, village of, incorporation of	363
FATHER MATTHEW TEMPERANCE ASSOCIATION, incor- poration of	768
Fire Extinguisher Manufacturing Co., incorporated	645
Fire Insurance. <i>See</i> Mutual Fire Insurance.	
Fraudulent conveyance. <i>See</i> Justice	34
Fuler, Charles John, authority to the Law Society to call to the Bar	802
GREAM, CHARLES, authority to admit to practise as attorney and solicitor	803
HAMILTON CLUB, incorporation of	695
“ Warehousing and Transport Co., incorporated	651
Health, public Act as to	157
“ officers, powers of, who shall be	158, 162
“ removal from dwellings, powers as to	158
“ vessels, passengers, cargoes, powers as to	158
“ Central Board of Health, appointment and powers of	159, 161
“ proclamation by Lieutenant-Governor, publication	159, 163
“ local boards of health	160
“ expenses of boards	162
“ disobedience of orders	163
“ prosecutions, penalties, &c.	164
Home of the Friendless, Hamilton, incorporation of	775
Horticultural societies in cities, towns and villages, formation of	131
Horton. <i>See</i> Railway, Canada Central	543
Husband. <i>See</i> Evidence	43
IMMIGRATION AID SOCIETIES, incorporation of	123
“ “ “ districts of	123
“ “ “ formation of	123, 125
“ “ “ powers	125
“ “ “ applications for employ ..	125, 126
“ “ “ advances by	126
“ “ “ inspector, appointment of	127
“ “ “ examinations as to immigrants.	127

xiii

	PAGES.
Improvement of land. <i>See</i> Title	72
Ingersoll, town of, amendment of Act consolidating debt.....	380
Insane persons, provisions as to custody of	96
" warrant to apprehend	96
" " commit	97
" evidence, inquiry before committal as insane	97
" committal or discharge	97
" enquiries by Justices as to property, &c.....	98
" " County Judge	98
" witnesses, attendance of	98
" discharge, how obtained	99, 100
" committal to asylum.....	99, 102
" custody of friends	100
" apprehension on escape.....	100
" maintenance, liability for	100
" conveyances by	101
" Inspector of Asylums, powers, &c.	101
" enquiries as to insanity of person in gaol	101
" order for return of lunatic to place whence he came...	102
" expenses of enquiries, &c., how to be borne	102
" certificates of insanity by medical men	102, 103
" admission to asylum	102
Instruction public, regulations of Council of, continued	83
Insurances on life in favour of wives and children.....	57
" payment of one premium.....	58
" for a term of years.....	58
" reallotment of share of deceased beneficiary.....	58
" applying bonuses and profits.....	58
" future endorsement of policies.....	59
Interpleader. <i>See</i> Justice	35, 36
Intestates, estates wherein the Crown interested, administration of....	71
JOINT STOCK ROAD COMPANIES, amendment of Act as to	156
" " " " in case of non-repair of road by purchaser, road to revert to municipality.	156
" " " " further amendments of Act as to.....	157
" " " " extension of time to pur- chasers to repair roads	157
Jurors special, provisions for payment to.....	47
Justice, act for better administration of.....	27
" amendments	37
" appeals on judgments, &c., under this Act.....	36
" associate justice in general sessions	39
" certain actions to be tried by a jury.....	30
" concurrent jurisdiction in Equity and at Law.....	33
" costs on suit in Equity for legal claim, &c.....	37
" County Judge's Criminal Court	39
" Court of Law may order accounts to be taken in Chancery ...	29
" Courts to be auxiliary to each other.....	27

Justice—*continued.*

PAGES.

" Deputy Clerks of Crown—salaries.....	40
" detainee, execution in	36
" ejectments, notice of title in	40
" equitable defence, pleading.....	28
" equitable interests, sale under execution.....	34, 35
" equitable issues to be tried without jury unless otherwise ordered.....	30
" examination of parties and others, practice, &c.....	31, 32, 33
" execution on judge's order.....	40
" formal objections abolished	37
" fraudulent conveyance, proceedings as against	34, 35
" general rules and orders, powers to make.....	37
" interpleader, one application for, in several suits.....	35, 36
" judgments, orders, decrees, powers of the courts	28
" Junior Judge of County Courts, powers of	37
" legal and equitable issues to be tried at same time.....	30
" " pleadings in ejectment.....	28
" pure equitable money demands, suits for.....	27
" reservation of decision at any trial.....	31
" sittings of Common Law Judges alone or conjointly	30
" special verdicts to be given by jury if so directed	50
" title may be established in Equity and at Law.....	33
" transfer of suits, practice, powers, &c.....	33, 34
" transfer of suits to Chancery.....	29
" trial, &c., in County Court cases other than where venue laid	36
" Trinity Term re-established.....	38
" Wentworth, third Court of Assize, &c., in County of	38
" York, Courts of Assize and Oyer and Terminer may be held distinct in county of	38
" " fourth County Court sittings and general sessions	39
" " " Court of Assize, &c., in county of ...	38

KINGSTON, CITY OF, WATERWORKS COMPANY, to amend

Act as to	572
Knox Church, Ottawa, incorporation of temporal committee	720
" Owen Sound, authority to trustees to sell certain lands	733

LEGISLATIVE ASSEMBLY, the law as to election of members of,

" and trial of elections amended...	12
" elections for, corrupt practices defined ...	12
" " " furnishing entertainment.....	13
" " " consequences of corrupt prac- tices at.....	13
" " " assessor, oath of	13
" " " agents	13
" " " oath of voter.....	14
" " " expenses at	14
" " " proceedings on trial of.....	15
" " " scrutiny on trial of	18
" " " trial of ; practice, costs, powers.....	20

	PAGES.
Licenses, tavern and shop, Act to amend	118
“ sale of spirits, &c., without, forbidden	118
“ presumption as to localities for sale	119
“ “ “ vendors.....	119
“ occupants of buildings, liability for sale	119
“ sale from ships prohibited	120
“ burden of proof as to license	120
“ fees for	120
“ officers under the Acts, appointment of, &c.	121
“ county attorney, duty of	121
“ penalties.....	121
“ application of act to territorial districts.....	122
Liens of mechanics, &c., on buildings	79
“ registry of.....	80
“ enforcing	80, 81
“ claims against holders of	81, 82
“ execution, exemption from	82
London and Petrolia Oil Pipe Company, incorporated.....	633
“ Building Society, powers to amalgamate with Agricultural Society and Bank	709
“ City of, Act as to certain streets and acquisition of land for markets	381
“ City of, water works	558
“ Investment Society. <i>See</i> London Building Society	709
“ <i>See</i> East Middlesex.....	708
Lunatics. <i>See</i> Evidence	44
Lyn General Manufacturing Co., incorporated.....	639
MACMILLAN, JOHN PETER, authority to admit to practise as attorney and solicitor.....	803
Married women, conveyance of real estate	54
“ how may convey and appoint attorney	55
“ concurrence of husband may be dispensed with in certain cases.....	55
“ past conveyances made valid, notwithstanding absence of certificate, &c.	56
Master, local. <i>See</i> Affidavit	24
Master and Servant, agreements between made out of Ontario.....	73
Masters and Workmen, agreements to participate in profits.....	74
“ adjustment of disputes between	75
Mechanics. <i>See</i> Liens.....	79
Methodist New Connexion Church, Act respecting.....	738
Middlesex. <i>See</i> East Middlesex	708
Mining Co., Three A Silver, incorporation of	581
“ Beck of Marmora, incorporation of.....	587
“ Black Bay Silver, incorporation of.....	592
“ Cornish Silver, incorporation of.....	597
“ Gatling Gold and Silver, incorporation of	601
“ Hubbard Silver, incorporation of.....	607
“ Silver Harbour, incorporation of.....	611
Mortgage debt, exoneration.....	65

	PAGES.
Municipal Institutions in unorganised districts.....	350
“ “ amendments of Acts as to.....	354
“ Loan Fund debts, Act respecting	183
Municipal Institutions, Act as to, see Analytical Index at commence- ment of the Act.....	192
“ Incorporation	193, 194
“ New Corporations	14-209
“ “ “ villages	194-196
“ “ “ towns and cities	196-200
“ “ “ townships.....	200-202
“ “ “ counties	202
“ “ “ provisional counties	203-206
“ “ “ matters consequent on new formation of.....	207-209
“ Councils, composition of	209
“ “ members of, in counties.....	209-211
“ “ “ “ cities.....	211
“ “ “ “ towns.....	211
“ “ “ “ villages.....	211
“ “ “ “ townships.....	212
“ “ “ “ provisional corporations	212
“ “ “ qualification of	212
“ “ “ disqualification of.....	213
“ “ “ exemption of	214
“ “ “ vacancies in.....	224-226
“ Electors	214-216
“ Elections	216
“ “ time and place of polling.....	216-218
“ “ returning officers.....	218
“ “ oaths.....	219
“ “ proceedings at	220-224
“ “ vacancies in council.....	224-26
“ “ controverted.....	26-230
“ “ corrupt practices at.....	230-233
“ Meetings of Councils, when and where	234
“ “ conduct of business at	235
“ Officers	236
“ “ heads	236
“ “ clerk	237-240
“ “ treasurer	240
“ “ assessors, collectors.....	241, 242
“ “ auditors, audit.....	242
“ “ valuers	243
“ “ duties of, as to oaths and declarations	244-46
“ “ salaries and tenure of office.....	246
“ Jurisdiction of Councils generally	247
“ “ nature and extent of	247
“ By-laws	248
“ “ authentication of	248
“ “ objections to, by ratepayers	249
“ “ voting on	249-252

	PAGES.
Municipal Institutions' Act— <i>continued.</i>	
“ By-laws, conformation of	253
“ “ quashing	254-256
“ “ creating debts	256-260
“ “ yearly rates as to	260
“ “ anticipatory appropriations	261
“ “ convictions under	276
“ Finances, respecting	263
“ “ accounts and investments	263-265
“ “ commissions of enquiry as to	266
“ Arbitrations	266
“ “ arbitrators, appointment of	263-268
“ “ procedure on	269
“ “ debentures and other instruments	270-272
“ Justice, administration of, and judicial proceedings	273
“ “ Justices of the Peace and Coroners	273, 274
“ “ penalties	274
“ “ witnesses and jurors	275
“ “ convictions under by-laws	276
“ “ executions against corporations	277
“ “ mandamus, costs in	278
“ “ contracts void in Equity void at Law	278
“ “ police office and magistrates	278
“ “ force and commissioners	280-282
“ “ court-houses, gaols, places of imprisonment	283-287
“ “ investigation as to misconduct of officers	287
“ “ posse comitatus, calling out by Mayor	288
“ powers of councils	288
“ “ counties, townships, cities, towns and incorporated villages	288-293
“ “ counties, cities, towns and incorporated villages	293
“ “ townships, cities, towns and incorporated villages	294-300
“ “ counties, cities and separated towns	300-302
“ “ cities, towns and incorporated villages	302-307
“ “ cities and towns	307-310
“ “ townships, towns and incorporated villages	310, 311
“ “ towns and incorporated villages	311
“ “ counties only	311-313
“ “ townships only	313
“ “ as to highways and bridges	314-327
“ “ as to works paid for by local rates	327-336
“ “ as to railways	337-339
“ police villages	339
“ “ formation of	339
“ “ trustees and election of	340-343
“ “ police trustees, duties of	343-346
“ confirming and saving clauses	346, 347
Muskoka, organization of municipality of district of	347
“ amendment of Act as to	348

	PAGES.
Mutual Fire Insurance Companies, consolidation of the law as to.....	164
“ formation of new companies.....	165
“ general meetings.....	166
“ directors, election of.....	166
“ “ general powers of.....	168
“ policies.....	169
“ premium notes and assessments.....	171
“ payment of losses.....	173
“ branches of departments.....	175
“ lands, powers as to.....	175
“ cash premium principle.....	176
“ annual statements.....	176
“ examination, &c., as to affairs.....	178
NAZREY INSTITUTE, amalgamated with Wilberforce.....	774
Nipissing, amendment of Act as to.....	354
OFFICIAL SECURITIES TO THE CROWN, Act as to.....	25
“ “ inability to justify, new security.....	25
“ “ Sheriffs and Registrars.....	25
“ “ Registrars, recognizance and covenant... ..	25
“ “ guarantees of companies may be accepted.....	26
“ “ lien on lands abolished after 1st January next.....	26
Orangeville, town of, incorporation of.....	366
Orphans' Home and Female Aid Society, Toronto, powers as to lands.....	764
Oxford, County of, respecting Fair ground of.....	387
Ottawa, City of, water works, amendment of Act as to.....	575
Parry Sound, amendment of Act as to.....	354
Partition of Real Estate, Act as to.....	49
“ notice, publication of.....	49, 50
“ references.....	50
“ guardians, solicitors may be.....	50
“ registrars, abstracts of title.....	50
“ certificate of allowance of petition.....	50
“ deed on sale gives indefeasible title.....	51
“ case of person interested being unknown.....	51
“ monies, payment into court.....	52
Partnership, registry of, Act as to amended.....	72
“ declarations of, how to be entered.....	72
“ dissolution of, registry of.....	73
“ registry of, time for extended.....	73
“ See Master.	
Postea, when no jury, form of.....	41, 42
Presbyterian Church in Township of Cumberland, vesting of certain land in Trustees of, and powers as to.....	726
Presbyterian Church, Port Hope, vesting of certain lands in trustees of.....	729
“ London, confirmation of certain sales made by trustees of.....	731
Public Service. See Supplies.....	3

	PAGES.
QUEEN'S COUNSEL, appointment of	22
RAILWAYS, Brockville and Westport, amendment of Act.....	543
“ Canada Central, confirmation of by-laws as to	546
“ Canada Southern, amendment of Act.....	505
“ Cobourg, Peterboro' and Marmora, amendment of Act..	540
“ Credit Valley, amendment of Acts.....	484
“ Dresden and Oil Springs, incorporation of	390
“ Erie and Huron, incorporation of	399
“ Fenelon Falls, amendment of Act.....	544
“ Guelph and Collingwood, incorporation of.....	409
“ Hamilton, Guelph and Orangeville, incorporation of ...	420
“ Hamilton and Lake Erie, amendment of Act	499
“ Hamilton and North Western, amendment of Act.....	496
“ Hamilton Street, incorporation of	552
“ Lake Simcoe Junction, incorporation of	449
“ London, Huron and Bruce, amendment of Acts	523
“ London Street, incorporation of	548
“ Midland of Canada, amendments of Acts	528
“ Norfolk, amendment of Act	536
“ Omemece, Bobcaygeon and North Peterboro', amendment of Act.....	537
“ Port Dover and Lake Huron, amendment of Act	521
“ Port Whitby and Port Perry, as to position of under Acts in aid of railways	389
“ Presqu'isle and Belmont, amendment of Act	538
“ Prince Edward County, incorporation of	431
“ Simcoe and Port Ryerse, amendment of Act	529
“ St. Mary's and Credit Valley, incorporation of	439
“ Stratford and Huron, amendment of Acts	508
“ Streetsville and Port Credit Junction, amendment of Act.....	487
“ Toronto, Grey and Bruce, amendment of Acts	480
“ Toronto and Nipissing, amendment of Act	483
“ Toronto Street, incorporation of, &c.	555
“ Trent Valley, incorporation of	459
“ Wellington, Grey and Bruce, amendment of Act	491
“ “ “ “ “ “	495
“ Yorkville Loop Line, incorporation of	471
Records. See Common Law Procedure.....	41
Renfrew. See Railway, Canada Central.....	546
Registrars. See Official Securities.....	25
Registry Acts, Act to amend	52
“ proof in case of no attesting witness, or insanity, &c.....	52
“ defects in affidavits for proof cured	53
“ initial letters of witness in affidavits.....	53
“ to be notice, notwithstanding defect in proof.....	53
“ notice, absence of, requisite to benefit of priority of registry	53
“ discharge of mortgage, attesting witness.....	53
“ certain omissions of entries by registrars rectified	53
“ part of a township made part of a new township.....	54

	PAGES.
Religious Institutions, Act respecting property of.....	713
Road. <i>See</i> Joint Stock Road Companies; Snow Road.....	156, 157
Roman Catholic Episcopal Congregation of Diocese of London, incorporation of and amendment of 8 Vic., ch. 82	734
Romney, township of, powers as to side roads	374
SCHOOL OF PRACTICAL SCIENCE , establishment of.....	94
Science, School of Practical, establishment of.....	94
Servant. <i>See</i> Master.....	73
Sheriffs. <i>See</i> Official Securities.....	25
Shop Licenses. <i>See</i> Licenses.....	118
Shuniah, organization of municipality of district of.....	50
Simcoe and Port Ryerse Harbour Co., amendment of Act.....	529
Snow Roads, to provide for double tracks on	181
Sparks, Nicholas, authority to dispose of lands of estate of.	778
Stamps on Law proceedings and registrations, Act as to amended	49
Subpoena, teste of. <i>See</i> Evidence	42
Superannuated Preachers' Annuitant Society, incorporation of.....	749
Supplies for Civil Government for 1873	3
TAVERN LICENSES. <i>See</i> Licenses.....	118
Thunder Bay, amendment of Act as to	354
Title, mistake of, improvement of land under	72
Toronto Baptist Missionary Union, incorporation of	745
Toronto, City of, power to dispose of Bowes' property.....	384
" " certain property (Gaol Block) vested in the corporation of the County of York	385
Toronto Eye and Ear Infirmary, incorporation of.....	762
" Fuel Association, incorporation of.....	673
" Financial Corporation, incorporation of.....	679
" House-building Association, amendment of charter	685
" Opera House Company, incorporation of.....	690
" Consumers' Gas Co., powers to increase capital stock.....	694
" Gravel Road and Concrete Co., incorporated.....	631
" Magdalen Asylum, amendment of charter	773
UNIVERSITY OF TORONTO , Act as to	83
" Corporation of, composition of....	83
" Chancellor, election, &c.....	84, 86
" Senate, election of.....	84, 86
" registers.....	85
" votes at convocation	85, 86
" high schools, representation of	85
" tenure of office of members of senate	87
" vacancies in senate	87, 89
" convocation, composition of.....	85
" " powers	88
" " meetings.....	88
" " chairman of	89
" Crown appointments to senate	89, 90
" degrees	90, 91

	PAGES.
University of Toronto— <i>continued</i> .	
“ certificates of proficiency, examinations, &c.	91
“ examiners	92
“ affiliation of colleges, examinations	92, 93
“ professors, powers over, allowances to, &c.....	93
VENIRE, form of.....	41
Veterinary Surgeon, penalty for wrongful assumption of title.....	128
WARDROP, ROBERT, authority to admit to practise as attorney and solicitor	806
Water Privileges, improvement of, Act as to.....	153
“ “ powers of owners of.....	153, 154
“ “ payment of sums awarded	155
“ “ conveyances.....	155
“ “ Judges’ fees.....	155
“ “ witnesses, attendance of	155
“ “ obstruction of streams.....	155
“ “ Judge’s order, registry, pleading and effect of.....	156
Wentworth. <i>See</i> Justice.....	38
Whitby, Township of, establishment of certain side lines in.....	377
White, William Robert, authority to Law Society to call to the bar....	805
Whitehead, Joseph and Margaret, vesting in them of certain lands in fee	783
Wife. <i>See</i> Evidence.....	43
Wilberforce Educational Institute, amendment of charter and amalga- mation with Nazrey Institute	774
Wills, Act to consolidate law as to.....	59
“ power of disposal.....	60
“ execution and attestation	60
“ appointment by.....	61
“ of personality, by soldiers and sailors.....	61
“ witnesses interested, cases of provided for.....	61, 62
“ revocation.....	62
“ revival	62
“ operation of after partial conveyance, &c.	62
“ speak from death....	63
“ lapsed devise sinks into residuary devise	63
“ leaseholds, when they pass under general devise.....	63
“ power to appoint, exercised by general gift.....	63
“ whole estate passes by general gift.....	64
“ “die without issue,” meaning of	64
“ trustee or executor, devise to, whole estate.....	64
“ estates tail, devises of, not to lapse.....	64
“ gifts to issue dying leaving issue, not to lapse.....	64
“ exoneration of mortgage debts.....	65
“ power to raise money by trustee.....	65
“ “ “ “ executor	66, 67
“ “ “ “ sell, lease, &c. “	67, 68
“ “ “ “ administrator with will annexed.....	67, 68
“ “ “ “ surviving executor, &c.....	69
“ administration with will annexed, application for.....	67

	PAGES.
Woodstock, town of, respecting public square of.....	387
Workmen. <i>See</i> Masters	74, 75
YORK, County of, Gaol Block. <i>See</i> Toronto.....	385
“ <i>See</i> Justice.	

BINDING SECT. JUL 14 1967

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

3 1761 11548556 7

